

1 **BILL NO. 2011-3**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE GRANTING TO TW TELECOM OF NEVADA LLC, A LIMITED LIABILITY
4 COMPANY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF
5 DELAWARE AND AUTHORIZED TO DO BUSINESS IN NEVADA, A NON-EXCLUSIVE
6 FRANCHISE FOR A TELECOMMUNICATIONS SERVICE WITHIN THE CORPORATE LIMITS
OF THE CITY OF LAS VEGAS, SUBJECT TO AND IN ACCORDANCE WITH THAT CERTAIN
FRANCHISE AGREEMENT ENTERED INTO BETWEEN THE CITY OF LAS VEGAS AND TW
TELECOM; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

7 Proposed by: Bradford R. Jerbic, City Attorney

Summary: Grants to tw telecom llc a non-
exclusive franchise for the purpose of installing,
operating and maintaining a telecommunications
service within the City, subject to and in
accordance with the terms and conditions of the
Franchise Agreement incorporated by reference
into this Ordinance.

11 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
12 AS FOLLOWS:

13 SECTION 1: The City of Las Vegas, Nevada, hereby grants to tw telecom of nevada
14 llc the non-exclusive right, privilege, authority and permission to install, operate and maintain a
15 telecommunications service system in, upon, along, across, above, over and under all present and
16 future public ways (excluding railroad rights-of-way), highways, streets, avenues and alleys within the
17 incorporated boundaries of the City of Las Vegas, subject to and in accordance with the terms and
18 conditions of that certain document entitled Franchise Agreement between the City of Las Vegas and
19 telecom of nevada llc, a copy of which Franchise Agreement is on file with the Clerk of the City of
20 Las Vegas and by this reference incorporated herein. For the purposes of this Section the term
21 "telecommunications service" has the same meaning as that term is defined in the United States Code
22 47 U.S.C. 153 (46).

23 SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or
24 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
25 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
26 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
27 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
28 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,

1 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
2 invalid or ineffective.

3 SECTION 3: All ordinances or parts of ordinances or sections, subsections, phrases,
4 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
5 1983 Edition, in conflict herewith are hereby repealed.

6 PASSED, ADOPTED and APPROVED this ____ day of _____, 2011.

7 APPROVED:

8
9 By _____
10 OSCAR B. GOODMAN, Mayor

11 ATTEST:

12 _____
13 BEVERLY K. BRIDGES, MMC
City Clerk

14 APPROVED AS TO FORM:

15 Val Steed 1-5-11
16 _____
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2011, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2011, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 APPROVED:

13

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16

17 BEVERLY K. BRIDGES, MMC
City Clerk

18

19

20

21

22

23

24

25

26

27

28