

1                   **RESOLUTION AND NOTICE REGARDING THE GRANTING OF**  
2                   **A TELECOMMUNICATIONS SERVICE FRANCHISE TO TW TELECOM OF**  
3                   **NEVADA LLC, SETTING THE PURPOSE, CHARACTER, TERM AND CONDITIONS**  
4                   **OF THE PROPOSED FRANCHISE AND SETTING A PUBLIC HEARING ON**  
5                   **THE ADVISABILITY OF GRANTING THE PROPOSED FRANCHISE**

6                   WHEREAS, the CITY OF LAS VEGAS (CITY), is desirous of providing its  
7 residents the opportunity to receive telecommunications service; and

8                   WHEREAS, tw telecom of nevada llc (tw telecom) is a limited liability company  
9 organized and existing under the laws of the State of Delaware, is authorized to do business in the  
10 State of Nevada, and was created for the purpose of providing a telecommunications service; and

11                  WHEREAS, tw telecom has requested the CITY to grant it a franchise permitting the  
12 installation, operation and maintenance of a telecommunications service within the corporate limits  
13 of the CITY; and

14                  WHEREAS, there exists a need to ensure that the installation, operation and  
15 maintenance of a telecommunications service within the corporate limits of the CITY is conducted  
16 in a manner which will not interfere with the public's use of improved or unimproved public ways,  
17 highways, streets, avenues and alleys now or hereafter existing; and

18                  WHEREAS, in response to tw telecom's request for franchise, a proposed Franchise  
19 Agreement between the CITY and tw telecom has been prepared granting the necessary permission  
20 and authority to tw telecom to utilize the various improved or unimproved public ways (excluding  
21 railroad rights-of-way), highways, streets, avenues and alleys, now or hereafter existing, for  
22 purposes of installing, operating and maintaining its telecommunications service.

23                  NOW, THEREFORE, pursuant to the requirements of Section 7.050 of the Las Vegas  
24 Charter, IT IS HEREBY ACKNOWLEDGED, DETERMINED AND RESOLVED, by the City  
25 Council of the City of Las Vegas, Nevada, as follows:

26                  1. That tw telecom has requested the CITY that a franchise be granted to tw telecom for the  
27 purpose of installing, operating and maintaining a telecommunications service within the corporate  
28 boundaries of the CITY.

                  2. That the purpose, character, terms, time and conditions of the franchise that the CITY  
proposes to grant to tw telecom in response to such request to install, operate and maintain a

1 telecommunications service in, upon, along, across, above, over and under the public ways  
2 (excluding railroad rights-of-way), highways, streets, avenues and alleys within the corporate  
3 boundaries of the CITY for a ten (10) year term, with a five (5) year extension under the same terms  
4 and conditions upon request of tw telecom is fully set forth in the proposed Franchise Agreement  
5 on file in the Office of the City Clerk of the City of Las Vegas, Nevada, which proposed Franchise  
6 Agreement is available for inspection by members of the public. For purposes of Section 7.050 of  
7 the City Charter, the proposed Franchise Agreement is, by this reference, incorporated herein and  
8 made a part of this Resolution and Notice.

9         3. That a public hearing be, and it hereby is, set for Wednesday, the 16th day of February,  
10 2011, in the City Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada,  
11 at the hour of 1:00 p.m., for the purpose of hearing any objections or protests made by any person  
12 to the granting of a franchise to tw telecom pursuant to the proposed Franchise Agreement.

13         4. That all interested persons shall have, and they are hereby given, the right to appear and  
14 be heard on the question of the advisability of granting a telecommunications service franchise  
15 pursuant to the proposed Franchise Agreement to tw telecom at the place, date and hour specified  
16 for the public hearing in paragraph 3 of this Resolution and Notice, or at any subsequent time to  
17 which said public hearing may be adjourned.

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1           5. That the notice provided by this Resolution and Notice is reasonably calculated to inform  
2 each interested person of his or her opportunity to appear and be heard on the question of the  
3 granting of a telecommunications service franchise pursuant to the proposed Franchise Agreement,  
4 and that the City Clerk therefore, be, and she hereby is, authorized, empowered and directed to cause  
5 a copy of this Resolution and Notice to be published in full in the issues of the Las Vegas Review  
6 Journal published on the 26th day of January, 2011, and the 2nd day of February, 2011.

7                   PASSED, ADOPTED, AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2011.

8                                   CITY OF LAS VEGAS

9  
10                                   BY \_\_\_\_\_  
                                          OSCAR B. GOODMAN, Mayor

11 ATTEST:

12                   \_\_\_\_\_  
13 BEVERLY K. BRIDGES, MMC  
                  City Clerk

14 APPROVED AS TO FORM

15                   *Valsted*   1-5-11  
                                          \_\_\_\_\_  
                                          Date