

AFFIDAVIT OF PUBLICATION

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RESOLUTION R-101-97

REGARDING THE GRANTING OF A FRANCHISE AGREEMENT TO MCIMETRO, SETTING THE PURPOSE, CHARACTER, TERM, TIME & CONDITIONS OF THE PROPOSED FRANCHISE AND SETTING A PUBLIC HEARING ON THE ADVISABILITY OF GRANTING THE PROPOSED FRANCHISE

WHEREAS, City of Las Vegas (City), is desirous of providing its residents the opportunity to receive telecommunications service; and

WHEREAS, MCImetro Access Transmissions Services, Inc. (MCImetro) is a Delaware corporation authorized to do business in the State of Nevada, created for the purpose of providing telecommunications service; and

WHEREAS, on the 29th day of May, 1997, MCImetro, a corporation organized and licensed to do business under the laws of the State of Nevada, applied by letter, to the CITY OF LAS VEGAS, NEVADA for a franchise, under the terms and conditions in the proposed Franchise Agreement accompanying the letter, permitting the installation, maintenance and use of a telecommunications service within the corporate limits of the CITY; and

WHEREAS, there exists a need to insure that the installation, maintenance and use of a telecommunications service within the corporate limits of the CITY is conducted in a manner which will not interfere with the public's use of improved or unimproved public roads, highways, freeways, streets, avenues, lanes, paths, alleys, drives, parkways, courts and easements now or hereafter existing; and

WHEREAS, the purpose of the proposed Franchise Agreement between the CITY and MCImetro is to grant the necessary permission and authority to MCImetro to utilize the various improved or unimproved public roads, highways, freeways, streets, avenues, lanes, paths, alleys, drives, parkways, courts and easements, now or hereafter existing, for purposes of installing, maintaining and using its telecommunications service.

NOW, THEREFORE, pursuant to the requirements of Section 7.050 of the Las Vegas City Charter (Chapter 517, Statutes of Nevada 1983, as amended), IT IS HEREBY ACKNOWLEDGED, DETERMINED AND RESOLVED, by the City Council of the City of Las Vegas, Nevada, as follows:

1. That MCImetro did, on the 29th day of May, 1997, file a letter with the CITY OF LAS VEGAS, requesting that a franchise be granted to MCImetro for the purpose of installing, maintaining and using a telecommunications service within the corporate boundaries of the CITY OF

LAS VEGAS, in accordance with the terms and conditions of that certain proposed Franchise Agreement between the CITY OF LAS VEGAS and MCImetro submitted therewith.

2. That the purpose, character, terms, time and conditions of the Franchise Agreement that the CITY OF LAS VEGAS proposes to grant to MCImetro in response to such letter is to install, maintain and use a telecommunications service, in, upon, along, across, above, over and under the streets and other public places within the corporate boundaries of the CITY for a term of five (5) years from and after the date thereof, with an option to renew for two (2) additional periods of five (5) years each, if mutually agreed upon, as is more fully set forth in that certain Proposed Franchise Agreement on file in the Office of the City Clerk of the City of Las Vegas, Nevada, which said proposed Franchise Agreement is available for inspection by members of the public. Said Proposed Franchise Agreement is, by this reference, incorporated herein and made a part of this Resolution and Notice.

3. That a public hearing be, and it hereby is, set for Monday, the 8th day of September, 1997, in the City Council Chambers, City Hall Complex, 400 East Stewart Avenue, Las Vegas, Nevada, at the hour of 2:00 p.m., for the purpose of hearing any objections or protests made by any person to the granting of the proposed Franchise Agreement to MCImetro.

4. That all interested persons shall have, and they are hereby given, the right to appear and be heard on the question of the advisability of granting said proposed Franchise Agreement to MCImetro of the place, date and hour specified for the public hearing in paragraph 3 of this Resolution and Notice, or of any subsequent time to which said public hearing may be adjourned.

5. That the notice provided by this Resolution and Notice is reasonably calculated to inform each interested person of his or her opportunity to appear and be heard on the question of the granting of the proposed Franchise Agreement, and that the City Clerk therefore be, and she hereby is, authorized, empowered and directed to cause a copy of this Resolution and Notice to be published in full in the issues of the Las Vegas Review Journal published on the 28th day of August, 1997, and the 4th day of September, 1997.

PASSED, ADOPTED and APPROVED THIS 25th day of August, 1997.

APPROVED BY JAN LAVERTY JONES, Mayor

ATTEST:
Barbara Jo Ronemus, City Clerk

APPROVED AS TO FORM: Larry G. Bellis 8-4-97
PUB: Aug. 28, Sept. 4, 1997
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

MAUREEN MELCHIORI

_____, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of TWO insertions from the period of AUGUST 28, 1997 to SEPTEMBER 4, 1997, on the following days:

AUGUST 28, SEPTEMBER 4, 1997

Signed:

Subscribed and sworn to before me this 17 day of Sept, 19 97

Notary Public



PEGGY D. BARRON
Notary Public - Nevada
Clark County
My appt. exp. Feb. 17, 1998