

1 **BILL NO. 2011-3**

2 **ORDINANCE NO. 6133**

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

8 Summary: Grants to tw telecom llc a non-  
9 exclusive franchise for the purpose of installing,  
operating and maintaining a telecommunications  
10 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 16<sup>TH</sup> day of February, 2011.

7 APPROVED:

8  
9 By   
10 OSCAR B. GOODMAN, Mayor

11 ATTEST:

12   
13 ~~BEVERLY K. BRIDGES, MMC~~  
14 ~~City Clerk~~ By: Vicky Skilbred, CMC  
Acting City Clerk

15 APPROVED AS TO FORM:

16  1-5-11  
Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council  
2 on the 19<sup>th</sup> day of January, 2011, and referred to a committee for recommendation;  
3 thereafter the committee reported favorably on said ordinance on the 16<sup>th</sup> day of February,  
4 2011, which as a regular meeting of said Council; that at said regular meeting, the  
5 proposed ordinance was read by title to the City Council as first introduced and adopted by  
6 the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Reese, Tarkanian, Ross,  
Barlow and Anthony

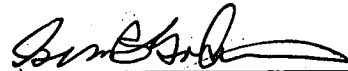
8 VOTING "NAY": None

9 EXCUSED: None

10 ABSTAINED: None


11 DID NOT VOTE: Councilmember Wolfson

12  
13 APPROVED:

14 

15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

17   
18 ~~BEVERLY R. BRIDGES, MMC~~ City Clerk  
By: Vicky Skilbred, CMC  
Acting City Clerk

AFFP DISTRICT COURT  
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the 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 attached for,

LV CITY CLERK 2296311LV 6961792

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 02/03/2011 to 02/03/2011, on the following days:

02/03/2011

RECEIVED  
CITY CLERK

2011 FEB 14 P 1:48

BILL NO. 2011-3

AN ORDINANCE GRANTING TO TW TELECOM OF NEVADA LLC, A LIMITED LIABILITY COMPANY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE AND AUTHORIZED TO DO BUSINESS IN NEVADA, A NON-EXCLUSIVE 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.

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.

At the City Council meeting of JANUARY 19, 2011 BILL NO. 2011-3 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

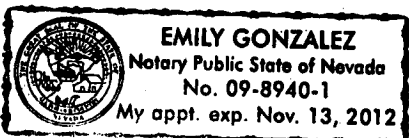
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: February 3, 2011  
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE 4th day of Feb, 2011.

Emily Gonzalez  
Notary Public



AFFP DISTRICT COURT  
Clark County, Nevada

RECEIVED  
CITY CLERK

AFFIDAVIT OF PUBLICATION

2011 FEB 28 A 11: 37

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the 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 attached for,

LV CITY CLERK 2296311LV 6998517

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 02/19/2011 to 02/19/2011, on the following days:

02/19/2011

BILL NO. 2011-3  
ORDINANCE NO. 6133

AN ORDINANCE GRANTING TO TW TELECOM OF NEVADA, LLC, A LIMITED LIABILITY COMPANY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE AND AUTHORIZED TO DO BUSINESS IN NEVADA, A NON-EXCLUSIVE 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.

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.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 19th day of January 2011, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 16th day of February 2011, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as introduced and was adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Reese, Tarkanian, Ross, Barlow and Anthony  
VOTING "NAY": NONE  
EXCUSED: Councilmember Wolfson

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.  
PUB: February 19, 2011  
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE  
21st day of Feb, 2011.

Emily Gonzalez  
Notary Public

 **EMILY GONZALEZ**  
Notary Public State of Nevada  
No. 09-8940-1  
My appt. exp. Nov. 13, 2012