

1 **Bill No. 99-25**

2 **Ordinance No. 5148**

3 AN ORDINANCE RELATING TO GRANTING A FRANCHISE; GRANTING TO
4 TELECOMMUNICATIONS OF NEVADA, LLC., A DELAWARE LIMITED LIABILITY
5 COMPANY AUTHORIZED TO DO BUSINESS IN NEVADA, A NON-EXCLUSIVE FRANCHISE
6 FOR A TELECOMMUNICATIONS SERVICE WITHIN THE CORPORATE LIMITS OF THE
7 CITY OF LAS VEGAS, SUBJECT TO AND IN ACCORDANCE WITH THAT CERTAIN
FRANCHISE AGREEMENT ENTERED INTO BETWEEN THE CITY OF LAS VEGAS AND
TELECOMMUNICATIONS OF NEVADA, LLC; PROVIDING FOR OTHER MATTERS
PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF
ORDINANCES IN CONFLICT HERewith.

8 Sponsored by:
9 Councilman Larry Brown

Summary: Grants to Telecommunications of Nevada, LLC., a non-exclusive franchise for the purpose of constructing, using and maintaining a telecommunications service within the corporate limits of the City of Las Vegas, subject to and in accordance with the terms and conditions of the Franchise Agreement between the City of Las Vegas and Telecommunications of Nevada, LLC., incorporated by reference into this Ordinance.

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14 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
15 AS FOLLOWS:

16 TELECOMMUNICATIONS OF NEVADA, LLC., FRANCHISE

17 SECTION 1: For the purpose of this Ordinance, the following terms and phrases,
18 words, abbreviations and their derivations shall have the meaning given herein:

19 (A) **"Company"** means Telecommunications of Nevada, LLC., dba NEXTLINK
20 Nevada, a Delaware limited liability company, authorized to do business in the State of Nevada.

21 (B) **"Telecommunications"** means the transmission, between or among points
22 specified by the user, of information of the user's choosing, without change in the form or content of
23 the information as sent and received.

24 (C) **"Telecommunications Carrier"** means any provider of telecommunications
25 services. "Telecommunications carrier" does not include any person that, in the ordinary course of
26 his or her operations, makes telephones available to the public or to transient users of his or her
27 premises, for interstate telephone calls using a provider of operator services.

28 (D) **"Telecommunications Service"** means the offering of telecommunications for

1 a fee directly to the public, or to such classes of users as to be effectively available directly to the
2 public, regardless of the facilities used. "Telecommunications Service" shall not include cable
3 services or open video services as defined in Title VI of the Communications Act of 1934, as amended
4 by the Telecommunications Act of 1996 (47 USCA §521, et seq.) or as recognized by the Federal
5 Communications Commission.

6 SECTION 2: The City of Las Vegas, Nevada, hereby grants to Telecommunications
7 of Nevada, LLC., the non-exclusive right, privilege, authority and permission to construct, use and
8 maintain a telecommunications service system in, upon, along, across, above, over and under all
9 present and future streets, avenues, highways, alleys, bridges and public ways within the incorporated
10 boundaries of the City of Las Vegas, subject to and in accordance with the terms and conditions of
11 that certain document entitled Franchise Agreement dated the 24th day of May, 1999, by and between
12 the City of Las Vegas and Telecommunications of Nevada, LLC., a copy of which Franchise
13 Agreement is on file with the Clerk of the City of Las Vegas and by this reference incorporated herein.

14 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or
15 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional or invalid or
16 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
17 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
18 City of Las Vegas, Nevada, hereby declares that it would have passed each section, subsection,
19 subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more
20 sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared
21 unconstitutional, invalid or ineffective.

22 SECTION 4: All ordinances or parts of ordinances, sections, subsections, phrases,

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1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED AND APPROVED this 24th day of May, 1999.

4 APPROVED:

5 By

6 JAN LAVERTY JONES, Mayor

7 -ATTEST:

8 BARBARA JO RONEMUS, City Clerk

10 APPROVED AS TO FORM:

11 Larry Bettis / vs 4-27-99
12 Date

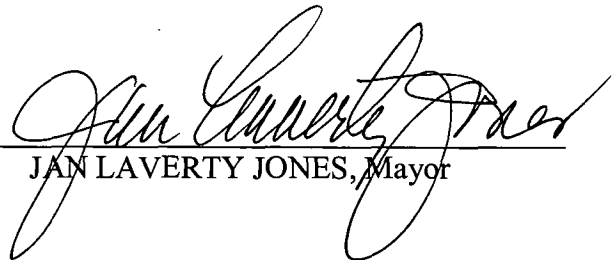
1 The above and foregoing ordinance was first proposed and read by title to the City Council on
2 the 10th day of May, 1999 and referred to the following committee composed of the
3 Councilman Adamsen and Mayor Jones for recommendation; thereafter the said committee
4 reported favorably on said ordinance on the 24th day of May, 1999 which was a regular
5 meeting of said Council; that at said regular meeting, the proposed ordinance was read by title
6 to the City Council as first introduced and adopted by the following vote:

7 VOTING "AYE": Mayor Jones and Councilmen Adamsen, McDonald, Reese and Brown

8 VOTING "NAY": NONE

9 EXCUSED: NONE

10 APPROVED:

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12 
13 JAN LAVERTY JONES, Mayor

14 ATTEST:

15 
16 BARBARA JO RONEMUS, City Clerk

AFFP

DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

RECEIVED
CITY CLERK

1999 MAY 21 A 10:45

Barbara Linford, 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
748496

2296311LV

was continuously published in said Las Vegas Review Journal or Las Vegas Sun in 1 edition(s) of said newspaper issued from 05/13/99 to 05/13/1999, on the following days: MAY 13, 1999

Signed:

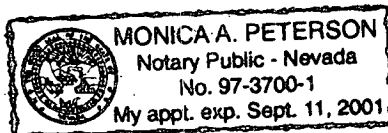
Barbara Linford
13

SUBSCRIBED AND SWORN BEFORE ME THIS THE

day of

May 1999
Monica A. Peterson

Notary Public



BILL NO. 99-25

AN ORDINANCE RELATING TO GRANTING A FRANCHISE; GRANTING TO TELECOMMUNICATIONS OF NEVADA, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY AUTHORIZED TO DO BUSINESS IN NEVADA, A NON-EXCLUSIVE FRANCHISE FOR 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 TELECOMMUNICATIONS OF NEVADA, L.L.C.; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Councilman
Larry Brown

SUMMARY: Grants to Telecommunications of Nevada, L.L.C., a non-exclusive franchise for the purpose of constructing, using and maintaining a telecommunications service within the corporate limits of the City of Las Vegas, subject to and in accordance with the terms and conditions of the Franchise Agreement between the City of Las Vegas and Telecommunications of Nevada, L.L.C., incorporated by reference into this ordinance.

At a City Council meeting

MAY 10, 1999

BILL NO. 99-25 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: COUNCILMAN ADAMSEN and MAYOR JONES

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

PUB: May 13, 1999

Las Vegas Review-Journal

RECEIVED
CITY CLERK

AFFP

DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

1999 JUN -8 A 11: 30

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

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LV CITY CLERK
769702

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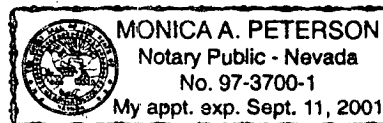
was continuously published in said Las Vegas Review Journal or Las Vegas Sun in 1 edition(s) of said newspaper issued from 05/27/99 to 05/27/1999, on the following days: MAY 27, 1999

Signed: Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE 27

day of May 1999

Monica A. Peterson
Notary Public



BILL NO. 99-25
ORDINANCE NO. 5148

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 10th day of May, 1999, and referred to the following committee composed of Councilmen Brown and Mayor Jones for recommendation; thereafter the said committee reported favorably on said ordinance on the 24th day of May, 1999, 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 adopted by the following vote:

VOTING "AYE" Councilmen Adamsen, McDonald, Reese, Brown, and Mayor Jones

VOTING "NAY" NONE

EXCUSED: NONE

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

PUB: May 27, 1999
Las Vegas Review-Journal