

ORDINANCE NO. BG2021 - 42

ORDINANCE GRANTING FRANCHISE RELATED TO TELECOMMUNICATIONS SYSTEM

ORDINANCE GRANTING A NON-EXCLUSIVE TELECOMMUNICATIONS (OR RELATED NON-CABLE) FRANCHISE TO OPEN FIBER KENTUCKY COMPANY, LLC, A FOREIGN LIMITED LIABILITY COMPANY, FOR THE USE OF RIGHTS-OF-WAY FOR THE OPERATION AND MAINTENANCE OF A TELECOMMUNICATIONS (OR RELATED NON-CABLE) SYSTEM WITHIN THE CITY OF BOWLING GREEN, KENTUCKY AND FURTHER AUTHORIZING THE EXECUTION OF A FRANCHISE AGREEMENT

WHEREAS, Ordinance No. BG2019-6, adopted by the City of Bowling Green Board of Commissioners on April 16, 2019, provided for the creation of a non-exclusive franchise for the privilege of the use of rights-of-way for the operation and maintenance of a telecommunications system within the City of Bowling Green in accordance with the terms and provisions referenced below; and,

WHEREAS, Ordinance No. BG2019-6 also established a sealed bid process which includes advertising the invitation for bids, notifying the public of the date for the submission of bids to the City and awarding the franchise to the successful bidder(s); and,

WHEREAS, the City was contacted by Open Fiber Kentucky Company, LLC ("OpenFiber KY") expressing interest in a franchise pursuant to the terms and conditions contained in Ordinance No. BG2019-6; and,

WHEREAS, on July 21, 2021, the City advertised for bids, and to date the only bid received by the City is from OpenFiber KY; and,

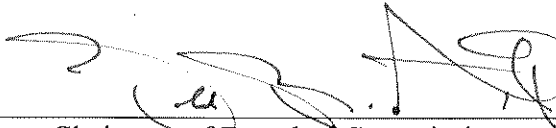
WHEREAS, it is in the best interest of the City to accept the bid from and to grant this non-exclusive telecommunications franchise to OpenFiber KY and authorize the Mayor to execute a franchise agreement.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

(Ordinance No. BG2021 - 42)

1. A telecommunications franchise created by Ordinance No. BG2019-6 is hereby granted to Open Fiber Kentucky Company, LLC, the company that submitted a responsive and responsible bid, and shall be effective upon approval and publication.
2. The Mayor is authorized and directed to execute the franchise agreement on behalf of the City.
3. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.
4. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.
5. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on November 2, 2021, and given final reading on November 16, 2021, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: November 16, 2021

APPROVED:   
\_\_\_\_\_  
Mayor, Chairman of Board of Commissioners

ATTEST:   
\_\_\_\_\_  
City Clerk

SPONSORED BY: Jeffery B. Meisel, City Manager