

ORDINANCE NO. BG2022 - 46

ORDINANCE GRANTING FRANCHISE RELATED TO TELECOMMUNICATIONS SYSTEM

ORDINANCE GRANTING A NON-EXCLUSIVE TELECOMMUNICATIONS (OR RELATED NON-CABLE) FRANCHISE TO STUPP FIBER, LLC, A KENTUCKY 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, Stupp Fiber, LLC, a Kentucky Limited Liability Company, contacted the City regarding a franchise pursuant to the terms and conditions contained in Ordinance No. BG2019-6; and,

WHEREAS, on August 17, 2022, the City advertised for bids and Stupp Fiber, LLC submitted a responsive bid; 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 Stupp Fiber, LLC 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. BG2022 - 46)

1. A telecommunications franchise created by Ordinance No. BG2019-6 is hereby granted to Stupp Fiber, LLC, a Kentucky Limited Liability Company, as a result of its submission of a responsive and responsible bid, and such franchise 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 All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.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 September 6, 2022, and given final reading on September 20, 2022, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: September 20, 2022

APPROVED: 
Mayor, Chairman of Board of Commissioners

ATTEST: 
City Clerk

SPONSORED BY: Jeffery B. Meisel, City Manager