

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD, OHIO

RESOLUTION NO. 2023 – 3 – 112

A RESOLUTION GRANTING PERMISSION TO USE THE VILLAGE’S RIGHTS-OF-WAY FOR TELECOMMUNICATIONS PURPOSES, AND AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR TO ENTER INTO AN EASEMENT LEASE AGREEMENT WITH THE ZAYO GROUP, A COLORADO CORPORATION, FOR THE INSTALLATION OF FIBER OPTIC CONDUIT AND CABLE IN VILLAGE RIGHTS-OF-WAY, AND DECLARING AN EMERGENCY.

WHEREAS, the Village of New Concord (“Village”) is a statutory municipal corporation pursuant to Article XVIII, of the Constitution of the State of Ohio; and

WHEREAS, the Zayo Group (“Zayo”), a Colorado Corporation, is a company that installs fiber optic cable to support communications facilities (conduit and fiber optic cable); and

WHEREAS, the Zayo Group desires to install, operate, maintain, and remove conduit and cable within the Village’s public right-of-way (collectively, “installation”); and

WHEREAS, the Village and Zayo desire to enter into a license easement agreement (“Agreement”) to allow the installation of fiber optic cable by Zayo within the Village’s rights-of-way, subject to a license fee and certain conditions and restrictions, as stipulated in Exhibit A attached; and

WHEREAS, this Village Council has determined that it is in the best interest of the Village and the public to approve the Agreement with Zayo;


NOW, THEREFORE, be it resolved by the Council of the Village of New Concord, Ohio:

Section 1.: The Agreement between the Village of New Concord and the Zayo Group is approved in the form attached to this Resolution, as Exhibit A.

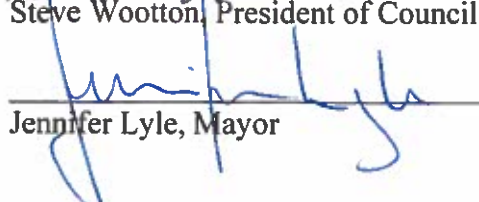
Section 2.: The Village Administrator is hereby authorized and directed to execute, on behalf of the Village, the Agreement only after receipt of at least two original copies of the Agreement executed by the Zayo Group.

Section 3. For the reasons stated in the preamble hereto, which is made a part hereof, this resolution is hereby declared to be an emergency measure and shall take effect and be in full force at the earliest period allowed by law.

PASSED: March 13, 2023


Steve Wootton, President of Council

APPROVED: March 13, 2022


Jennifer Lyle, Mayor

ATTEST: 
Lynn Marlatt, Fiscal Officer

I hereby certify that the above legislation was posted per Ordinance No. L-1-84-1.


Lynn Marlatt, Fiscal Officer