



## Legislation Text

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**File #:** 19-0268, **Version:** 1

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AN ORDINANCE GRANTING A 10-YEAR NON-EXCLUSIVE FRANCHISE TO POINT BROADBAND LLC ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE AND MAINTAIN A SYSTEM NETWORK FOR THE PURPOSE OF TRANSMISSION OF CABLE SERVICES WITHIN ALL INCORPORATED PORTIONS AND LOCATIONS OF THE CITY OF FOLEY, ALABAMA AND TO USE AND OCCUPY THE STREETS, ALLEYS AND OTHER PUBLIC PLACES OF CITY FOR SUCH PURPOSES

**DESCRIPTION OF TOPIC:** Point Broadband has requested to enter into a 10-year Non-exclusive franchise with the City of Foley to be able to provide internet and cable services to our citizens. The franchise fee in this agreement is set at 5% (five percent) of gross earnings in Foley and is equivalent to similar franchise agreements.

**SOURCE OF FUNDING:**

Please provide the amount requested: \_\_\_\_\_

Is this a budgeted item? No

Please provide the budgeted amount: \$\_\_\_\_\_ Account No. \_\_\_\_\_

If budgeted, is this a capital purchase, capital project, or special fund? \_\_\_\_\_

Was this item included in the Fiscal Year Capital Projects Plan? No

If yes, please provide the amount included in Capital Projects Plan: \$\_\_\_\_\_

WHEREAS, Point Broadband, LLC (hereinafter referred to as "the Provider") desires to construct a cable system within certain public rights-of-way within the City of Foley, Alabama; and  
WHEREAS, the Provider agrees and recognizes that it is required to obtain consent in the form of a franchise from the City of Foley in order to construct the proposed cable system within the corporate limits of the City of Foley; and  
WHEREAS, the City Council wishes to accommodate the Providers's request and grant a franchise for the construction of a cable and internet systems in accordance with the terms and conditions contained herein.

BE IT ORDAINED that the Foley City Council as follows:

Section 1. The City Council of the City of Foley does hereby grant to Provider a non-exclusive franchise granting the limited authority to construct and operate a cable system in the city of Foley in and along certain public rights-of-way subject to the terms and conditions set forth in the agreement attached hereto as Exhibit "A".

Section 2. Any Ordinance heretofore adopted by the City Council of the City of Foley, Alabama, which is in conflict with this Ordinance is hereby repealed but only to the extent of such conflict.

Section 3. This Ordinance shall become effective after its publication as required by law, and the Provider shall have thirty (30) days thereafter to execute and comply with the terms and conditions contained in the Franchise Agreement.