

AN ORDINANCE 2006 - 0 1 - 1 2 - 5 3

AUTHORIZING A TEN (10)-YEAR LICENSE AGREEMENT FOR THE USE OF PUBLIC RIGHTS-OF-WAY WITH WITEL COMMUNICATIONS, L.L.C., FOR TOTAL CONSIDERATION PAYABLE TO THE CITY IN THE AMOUNT OF \$379,221.30, WITH ONE FIVE (5)-YEAR RENEWAL OPTION SUBJECT TO CITY COUNCIL APPROVAL.

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WHEREAS, on October 26, 2000, by the passage of Ordinance No. 92771, the City of San Antonio ("City") granted Williams Communications (d/b/a VYVX Inc. in Texas) the right to install 3.54 miles of fiber optic cable for \$379,221.30 to be paid over a ten-(10) year period

WHEREAS, immediately after the Ordinance was approved, but before the related License Agreement was executed, Williams Communications changed its name to Witel Communications, L.L.C. ("Witel") and requested that the original License Agreement be revised to reflect Witel as the Licensee; and

WHEREAS, Williams Communications made the initial annual payment of \$35,276.40, but soon thereafter, Witel indicated that they had been reclassified as a local exchange provider and no longer had to pay for the use of the rights of way, as set forth by the Texas Public Utilities Commission; and

WHEREAS, after extensive negotiations, Witel agreed to pay the full amount due and is now up to date on its annual payments and a License Agreement reflecting Witel as the Licensee shall be executed upon passage of this proposed Ordinance, with a commencement date of November 5, 2000; and

WHEREAS, the City shall receive a total of \$379,221.30 over the ten (10) year period of the License Agreement; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager, or her designee, is authorized to execute a ten (10)-year License Agreement for the use of public rights-of-way with Witel Communications, L.L.C., for total consideration in the amount of \$379,221.30, with one five (5)-year renewal option subject to City Council approval, as previously authorized by Ordinance No. 92771, passed and approved on October 26, 2000. A copy of the License Agreement, previously executed by Witel, is attached as Exhibit I.

SECTION 2. Fees resulting from the passage of this Ordinance shall be deposited into Internal Order 224000000002 and General Ledger 4202410 upon receipt from Wiltel.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 4. This Ordinance shall be effective on and after the tenth day after passage.

PASSED AND APPROVED this 12th day of January, 2006.

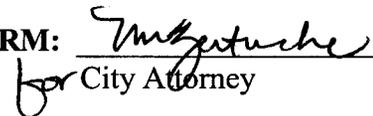


M A Y O R
PHIL HARDBERGER

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney