

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA

RESOLUTION 2013-52

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, APPROVING A TELECOMMUNICATIONS SERVICES NON-EXCLUSIVE LICENSE AGREEMENT WITH VALLEY TELEPHONE COOPERATIVE, INC.;; AUTHORIZING THE MAYOR TO EXECUTE THE LICENSE AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AS PRESENTED AND FURTHER AUTHORIZING AND DIRECTING CITY ADMINISTRATION AND STAFF TO ACT ACCORDINGLY TO IMPLEMENT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, Arizona Revised Statutes §§9-501(B) and 9-581 through 9-583, authorizes the City of Willcox, “City”, to grant, renew, deny and terminate Licenses for the installation, operation and maintenance of Telecommunication Services and otherwise regulate Telecommunication Services within the City boundaries by virtue of federal and state statutes, by the City Code, by the City’s police powers, by its authority over its public rights-of-way, and by other City powers and authority; and,

WHEREAS, Valley Telephone Cooperative, “Licensee”, is a telecommunications company that is applying for a License from the City of Willcox to provide Telecommunications Services within the City by installing and maintaining Telecommunications facilities within the City and Licensee has received and complies with a certificate of convenience and necessity from the Arizona Corporation Commission; and,

WHEREAS, The Mayor and City Council believe that it would serve the public interest to grant a License on the terms and conditions hereinafter set forth on the “Telecommunications Services Non-Exclusive License Agreement”, attached hereto and presented herewith as Exhibit “A”, and Licensee agrees to obtain a License under such conditions; and,

WHEREAS, the Mayor and City Council believed that granting the License to Licensee is in the best interest of the citizens of the City of Willcox and desire this item to be presented for consideration by the Mayor and City Council at their Regular City Council Meeting scheduled for July 1, 2013.

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NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, as follows:

SECTION 1. The Mayor and City Council hereby find and determine that it is in the best interest of the citizens of the City of Willcox to grant to Valley Telephone Cooperative, Inc., the “Telecommunications Services Non-Exclusive License Agreement”, attached hereto and presented herewith as Exhibit “A”; and,

SECTION 2: The Mayor and City Council hereby approve and grant the “Telecommunications Services Non-Exclusive License Agreement”, attached hereto and presented herewith as Exhibit “A” on the terms and conditions contained therein; and,

SECTION 3: CITY Administrators and staff are authorized and directed to take all necessary action required to implement such License and any future renewal of such License on the terms and conditions contained therein; and,

SECTION 4: The Mayor is authorized and empowered to execute the “Telecommunications Services Non-Exclusive License Agreement”, attached hereto and presented herewith as Exhibit “A” and this Resolution as presented.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, this 1st day of July, 2013.

APPROVED/EXECUTED:

/s/ Robert A. Irvin
ROBERT A. IRVIN, MAYOR

ATTEST:

/s/ Virginia A. Mefford
VIRGINIA A. MEFFORD, City Clerk

APPROVED AS TO FORM:

/s/ Ann P. Roberts
ANN P. ROBERTS, City Attorney

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CERTIFICATE

I, Virginia A. Mefford, the duly appointed City Clerk of the City of Willcox, Arizona, do hereby certify that the above and foregoing Resolution No. 2013-49 was duly passed and adopted by the Mayor and Council of the City of Willcox, Arizona, at a regular meeting held on July 1, 2013, and the vote was 6 yes and 0 nays and that the Mayor and all Council Members were present there at.

/s/ Virginia A. Mefford
VIRGINIA A. MEFFORD, City Clerk
City of Willcox, Arizona