

ORDINANCE NO. 160247

Authorizing a License Agreement with Google Inc., to install and maintain a wireless digital data communications.

WHEREAS, Google Inc., is the holder of a Federal Communications Commission experimental license authorizing creation of a test bed for conducting a trial of a wireless network for providing communications services; and

WHEREAS, Google Inc., proposes to locate, place, attach, operate and maintain Licensee's Communications Equipment on or within the City's right-of-way (a) on or within the City Facilities in said areas, and (b) on or within the facilities (i.e. poles, lines, wires, and conduit) of other utility companies such as Kansas City Power & Light Company (KCP&L) pursuant to Licensee's separate locate agreements with said utility companies; and

WHEREAS, Google Inc., proposes to install and maintain Licensee's Attachments on or within City facilities to provide communications services; and

WHEREAS, the City is willing, to grant Google Inc., a non-exclusive, revocable license under which the City will issue permits authorizing Google to enter upon the City's right-of-way to locate, place, attach, install, operate, maintain, remove, reattach, reinstall, relocate and replace Google's communications equipment attachments, and for the placement or installation of Google's attachments on or within specified City facilities; and

WHEREAS, the City may in its sole discretion, for reasons relating to insufficient capacity, safety, reliability, generally applicable engineering purposes or other governmental needs, uses, obligations and reasons, refuse to issue a permit for any particular City facility as long as Google Inc., is treated in a competitively neutral and non-discriminatory manner as compared with other similarly situated third-parties; and

WHEREAS, the City's grant of a license to use facilities is solely for the purpose of supporting the trial for the specific period described herein. Both parties agree and understand that this Agreement is not a commercial transaction involving the rental of City property. Google Inc., will not use the communications equipment authorized under this Agreement to provide any commercial communications services without the consent of the City; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

ORDINANCE NO. 160247

Section 1. That the Director of Public Works is authorized to execute License Agreement with Google Inc., to install and maintain a wireless network for providing communication services using equipment attached to streetlight poles in the public right-of-way for a term of two years, with possible additional four year renewal terms thereafter. A copy of the License Agreement is on file in the office of the Director of Public Works.

Approved as to form and legality:

Nelson Munoz
Assistant City Attorney