

ORDINANCE NO. 1632

AN ORDINANCE AMENDING ORDINANCE NO. 1504 AND AUTHORIZING AND GRANTING TO BELLSOUTH TELECOMMUNICATIONS, INC. d/b/a AT&T ALABAMA (“AT&T”) THE RIGHT TO USE THE RIGHTS-OF-WAY OF THE CITY OF FAIRHOPE, ALABAMA (THE “CITY”) TO PROVIDE VIDEO SERVICES TO THE CITIZENS OF THE CITY UNDER THE TERMS OF A VIDEO SERVICES AGREEMENT AND ADDENDUM TO AGREEMENT

WHEREAS, Alabama Code § 11-43-62 authorizes and empowers the City to regulate the use of the streets for the erection of all systems of wires and conduits and generally to control and regulate the use of the streets for any and all purposes, and to grant franchises for such as the City deems advisable; and

WHEREAS, AT&T Alabama’s Video Services Agreement granted pursuant to Ordinance 1504, adopted November 25, 2013, will expire December 31, 2018, and AT&T now desires to enter into a new Competitive Video Services Agreement via an Addendum to the Agreement with the City; and

WHEREAS, the Addendum attached hereto as **Exhibit A** (hereinafter the “Addendum to Competitive Video Services Agreement”) sets forth the terms and conditions pursuant to which AT&T shall install its IP Network and provide its IP-enabled Video Service, including the fees that shall be paid to the City with respect to same.

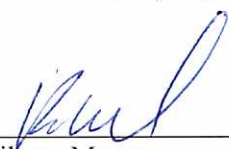
NOW THEREFORE, BE IT ORDAINED by the City Council (the “Council”) of the City of Fairhope, Alabama as follows:

The Mayor is hereby authorized to execute the Addendum to Competitive Video Services Agreement for and on behalf of the City.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance (including the Addendum to Competitive Video Services Agreement attached hereto as Exhibit A) is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

This Ordinance shall take effect immediately upon its due adoption and publication as required by law.

APPROVED AND ADOPTED by the Council this 20th day of December, 2018



Karin Wilson, Mayor

ATTEST:



Lisa A. Hanks, MMC
City Clerk