

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A RIGHT OF WAY USE AGREEMENT WITH CHARTER COMMUNICATIONS

WHEREAS, Spectrum, a subsidiary of Charter Communications, desires to install a broadband internet and/or video service network within the corporate limits of Plattsburg using City rights of way; and

WHEREAS, the Missouri Public Service Commission has authorized Charter Communications to provide broadband internet and/or video services within the corporate limits of Plattsburg using public rights of way; and

WHEREAS, proper regulation of third-party use of City rights of way is necessary for the preservation of the rights of way in a functional and presentable manner; and

WHEREAS, without a Right of Way Use Agreement in place between the two parties, the citizens of Plattsburg are offered limited protections beyond what provisions are already codified by law; and

WHEREAS, a Right of Way Use Agreement will allow both parties to agree upon rules in which Charter Communications may utilize the City rights of way without creating an undue burden on the City, the citizens, or any other public utility using the rights of way.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the City of Plattsburg, Missouri, as follows:

SECTION 1: The City Administrator shall be authorized to enter into a right of way use agreement with Charter Communications.

SECTION 2: The City Administrator shall be authorized to sign any pertinent and relevant documents on behalf of the City of Plattsburg, in both hard-copy and electronic form, which he shall deem necessary for the administration of said right of way use agreement.

SECTION 3: The agreement in which the City Administrator is authorized to enter on behalf of the City shall be substantially the same as the exhibit attached to this ordinance, however the City Administrator shall be authorized to approve minor changes to the final agreement so long as they do not substantially alter the nature of said agreement.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage and approval.

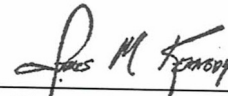
BILL # 1560

ORDINANCE # 2518

SECTION 5: The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

SECTION 6: All existing ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of the conflict.

**READ TWICE BY TITLE ONLY, PASSED, APPROVED, & ADOPTED THIS
8th DAY OF JANUARY IN THE YEAR 2024 BY THE MAYOR AND BOARD OF
ALDERMEN OF THE CITY OF PLATTSBURG, MISSOURI
BY A VOTE OF 5 IN FAVOR, 0 OPPOSED, AND 0 ABSTAINING.
1 Absent**



James M. Kennedy,
Mayor

ATTEST:



Lisa A. Read,
City Clerk