

**ORDINANCE BILL NO. 7-18**

AN ORDINANCE GRANTING A RIGHT-OF-WAY USE AGREEMENT TO NEW CINGULAR WIRELESS, PCS, LLC, FOR PLACEMENT OF WIRELESS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY.

*The City of Salem ordains as follows:*

**Section 1.** The City of Salem hereby grants to New Cingular Wireless, PCS, LLC, a Delaware limited liability company (Grantee) a non-exclusive, Right-of-Way Use Agreement (Agreement) for the privilege and authority to access City rights-of-way and structures located in the city rights-of-way to install, construct, repair, replace, upgrade, maintain, and operate facilities for Grantee's mobile telecommunications system in, upon, under, and over the surface of the city rights-of-way for a term not to exceed fifteen (15) years. The terms, conditions, and effective date are set forth in Agreement, which is attached hereto as Exhibit A, and incorporated herein by reference.

**Section 2. Severability.** Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

**Section 3. Effective Date.** This ordinance shall be in full force and effect on July 1, 2018, or on the thirtieth day after its adoption, whichever date is later.

**Section 4. Acceptance.** On or before the thirtieth day after the effective date of this ordinance, the Grantee shall file an executed copy of the Agreement with the City Manager of the City of Salem. A failure by the Grantee to file such executed copy within such time shall be deemed an abandonment and rejection of the rights and privileges conferred hereby, and the Agreement granted hereunder shall become null and void. The filing of such executed copy shall be deemed to be, and shall be, an unqualified acceptance by the Grantee of all the terms, conditions, and restrictions contained in the Agreement.

PASSED by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

City Recorder

Approved by City Attorney: \_\_\_\_\_

Checked by: R. Zink