

RESOLUTION 2021-XX

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT
BETWEEN METRO FIBERNET, LLC AND THE CITY OF ANKENY, IOWA TO
FACILITATE THE CONSTRUCTION OF A FIBER-TO-THE PREMISES NETWORK
WITHIN THE CITY OF ANKENY**

WHEREAS, Metro Fibernet, LLC (MetroNet) desires to construct a fiber-to-the-premises (FTTP) network throughout the City of Ankeny to provide fiber optic internet, voice, and video services to residents and businesses, and

WHEREAS, MetroNet proposes to complete the installation of the said network throughout a majority of the city within a 20-month time period by submitting large-scale permit applications and by utilizing numerous installation crews simultaneously; and

WHEREAS, MetroNet has requested, given the unusual nature of their installation process, that a written agreement with the City of Ankeny be established defining the manner and permit costs of the construction of the said FTTP network; and

WHEREAS, staff has developed a form of agreement based on the requirements of the City of Ankeny Municipal Code in regard to utility installations within street rights-of-way, specifically Municipal Code Section 151; and

WHEREAS, MetroNet acknowledges that it has a Certificate of Franchise Authority from the Iowa Utilities Board, which MetroNet will amend to include providing service within the City of Ankeny such that MetroNet shall abide by the franchise requirements including the submission of franchise fees to the City of Ankeny.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ankeny, Iowa, that the Mayor and City Clerk should be and are hereby authorized and empowered to execute the said Agreement with Metro Fibernet, LLC.

BE IT FURTHER RESOLVED that staff is hereby authorized to implement the terms and obligations of the said agreement.

PASSED AND APPROVED this 5th day of April, 2021.

Gary Lorenz, Mayor

ATTEST:

Denise Hoy, City Clerk