## Doc#2001- 1948

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## ORDINANCE NO. 0-01-02

AN ORDINANCE GRANTING CONWAY REGIONAL MEDICAL CENTER, INC. A FRANCHISE TO PLACE FIBER OPTIC CABLE IN THE PUBLIC RIGHT OF WAY; REPEALING ANY ORDINANCES IN CONFLICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Conway Regional Medical Center, Inc., d/b/a Conway Regional Health System ("CRMC"), provides an important service to the citizens of the City of Conway in providing medical services and promoting health and fitness; and

WHEREAS, CRMC has expanded over the years and now utilizes several buildings not located at its principal campus at College and Western Avenues, and

WHEREAS, advances in technology have made it both desirable and necessary for the buildings to be connected for the transfer of voice, data, and video transmission of information in order for CRMC to best fulfill its charitable mission; and

WHEREAS, existing ordinances provide for allowing petitioners to place objects in the public right of way by means of the City granting a franchise for that purpose; and

WHEREAS, CRMC has submitted a proper petition to the City for said purpose;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS,

Section 1. The City of Conway hereby grants a franchise to Conway Regional Medical Center, Inc., d/b/a Conway Regional Health System ("CRMC") for the purpose of placing fiber optic cable in a portion of the publicly controlled right of way, as described below.

Section 2. The use of the fiber optic cable shall be limited to the intra and inter office transmission of voice, data, and video information to or from the various buildings making up CRMC's principal campus on College Avenue and other properties it owns or utilizes in furtherance of providing medical services.

Section 3. The fiber optic cable will be layered at a depth of four feet or greater and will be located within two (2) feet of the existing utility easement at the following two locations:

- (a) On the north side of College Avenue, from the area occupied by CRMC's principal campus, west to and including the Clinic located at 2114 College Avenue.
- (b) On the west side of Augusta Avenue, from College Avenue north to 2134 Robinson Avenue.

Section 4. So long as CRMC is recognized as a federal tax exempt organization under Section 501(c)(3) of the Internal Revenue Code, or such legislation as might replace it, no franchise fee to the City shall be paid by CRMC. However, should CRMC ever lose or change from said status, the City, at its option, may assess an annual franchise fee against CRMC.

Section 5. The franchise is only for the benefit of CRMC. Should CRMC ever be bought by another entity, or should it include the fiber optic cable in the sale of any of its assets, said franchise shall immediately expire.

Section 6. Any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

Section 7. This ordinance is necessary for the protection of the peace, health, and safety of the citizens of Conway, and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

PASSED this 9th day of January, 2001.

APPROVED:

Mayor Tab Townsell

ATTEST:

Mike Garrett, City Clerk