

COTTONWOOD HEIGHTS

ORDINANCE NO. 337

AN ORDINANCE GRANTING A MASTER LICENSE AGREEMENT FOR WIRELESS FACILITIES IN THE PUBLIC WAY TO SQF, LLC

WHEREAS, SQF, LLC, on behalf of itself, its operating affiliates, and its permitted successors and assigns (“*Provider*”), desires to provide third party broadband wireless services within the city of Cottonwood Heights (“*City*”) and, in connection therewith, to establish a network in, under, along, over, and across present and future public roads, streets, alleys and other rights-of-way (the “*Public Way*”) within City’s corporate limits (“*City Limits*”), consisting of antennas, radios, fiber-optic cable, and conduit, together with all necessary and desirable appurtenances (collectively, “*Wireless Facilities*”), for the operation of a wireless broadband small cell network for communication services, all as authorized by and subject to COTTONWOOD HEIGHTS CODE Chapter 14.28 or its successor; and

WHEREAS, City, in the exercise of its police power, its ownership, use or rights over and in the Public Way, and pursuant to its other regulatory authority, believes it is in the best interest of the public to grant Provider access rights to the Public Way pursuant to a non-exclusive master license agreement; and

WHEREAS, City’s governing body (the “*City Council*”) met in regular session on 21 January 2020 to consider, among other things, approving the execution and delivery of such a master license agreement and to otherwise taking all actions necessary to grant such access rights to Provider; and

WHEREAS, after careful consideration, the City Council believes it to be in the best interests of the health, safety and welfare of City’s residents to authorize City’s execution and delivery of such a master license agreement substantially in the form attached hereto (the “*Agreement*”);

NOW THEREFORE, be it ordained by the city council of the city of Cottonwood Heights as follows:

Section 1. **Purpose**. The purpose of this Ordinance is to grant to Provider the non-exclusive right to use the present and future Public Way for its business purposes, under the constraints and for the compensation specified in the Agreement that is attached hereto; provided, however, that the form of the attached Agreement is subject to such further modifications as may be approved by City’s mayor in consultation with City’s manager and attorney.

Section 2. **Title**. This Ordinance shall constitute the “SQF Master License Agreement Ordinance” referred to in the Agreement.

Section 3. **Grant of Access Rights**. Provider is hereby granted, in accordance with the terms and conditions of the Agreement, the right and privilege to construct, maintain and operate its Wireless Facilities in, under, along, over and across the City’s present and future Public Way.

Section 4. **Term.** The term of the Agreement is for a period of ten years from and after the filing of the executed Master License Agreement with the office of the City's recorder, with a renewal of an additional ten year term as provided in the Agreement. Provider shall pay any and all costs of publishing this Ordinance.

Section 5. **Acceptance.** Provider may execute and deliver the Agreement to City within 30 days after the effective date of this Ordinance; otherwise, this Ordinance and the rights granted hereunder to Provider shall be null and void as of and after the effective date of this Ordinance.

Section 6. **Condition.** The efficacy of this Ordinance is conditioned on (a) the City Council's approval of its Ordinance 338 granting Provider a franchise to use City's Public Way as contemplated by the Master License Agreement, and (b) Provider's timely unqualified acceptance of that franchise under Ordinance 338 as provided therein.

Section 7. **Severability.** All parts of this Ordinance are severable, and if any section, clause or provision of this Ordinance shall, for any reason, be held or found to be invalid or unenforceable, the invalidity or unenforceability of any such section, clause or provision shall not affect the remaining sections, clauses or provisions of this Ordinance.

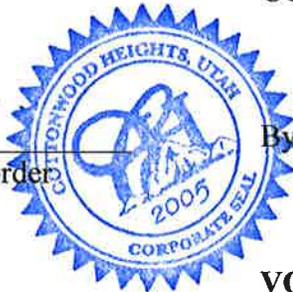
This Ordinance, assigned no. 337, shall take immediate effect as soon as it shall be published or posted as required by law, deposited and recorded in the office of the City Recorder, and accepted as required herein.

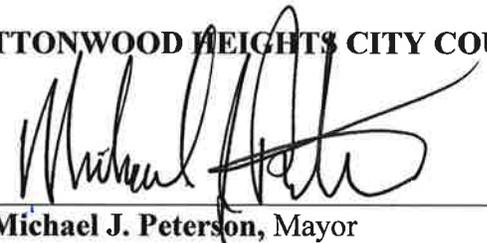
PASSED AND APPROVED this 21st day of January 2020.

ATTEST:

COTTONWOOD HEIGHTS CITY COUNCIL

By: 
Paula Melgar, Recorder



By: 
Michael J. Peterson, Mayor

VOTING:

Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Douglas Petersen	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tali C. Bruce	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Christine Watson Mikell	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the Recorder's office this 21st day of January 2020.

POSTED this 22nd day of January 2020.