**RESOLUTION 2015-\_\_\_\_**

**DARK FIBER LICENSE USE AGREEMENT**

**WITH QCS TELECOM**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING A LICENSE USE AGREEMENT WITH QCS TELECOM TO LEASE TWO STRANDS OF DARK FIBER OPTIC FILAMENTS; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

 **WHEREAS,** QCS Telecom desires to lease two strands of Dark Fiber from the City of Palm Coast; and

**WHEREAS,** QCS Telecom, desires to enter into a Fiber Optic (Dark Fiber) License Use Agreement with the City of Palm Coast to lease two strands of Fiber Optic (Dark Fiber); and

**WHEREAS,** the City of Palm Coast desires to enter into the Fiber Optic (Dark Fiber) License Use Agreement with QCS Telecom, for the above referenced services.

 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, Florida, AS FOLLOWS:**

**SECTION 1. APPROVAL OF LICENSE USE AGREEMENT.** The City Council of the City of Palm Coast hereby approves the terms and conditions of the Fiber Optic (Dark Fiber) License Use Agreement with QCS Telecom, as referenced herein and attached hereto as Exhibit “A.”

**SECTION 2. AUTHORIZATION TO EXECUTE.** The City Manager, or designee, is hereby authorized to execute the necessary documents.

**SECTION 3. Severability.** If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

**SECTION 4. Conflicts.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

**Section 5. IMPLEMENTING ACTIONS.** The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

**SECTION 6.** **EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption by the City Council.

**DULY PASSED AND ADOPTED** by the City Council of the City of Palm Coast, Florida, on this 21st day of April 2015.

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|  | **CITY OF PALM COAST, FLORIDA** |
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| *ATTEST:* | Jon Netts, Mayor |
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|  |
| Virginia A. Smith, City Clerk |  |

Attachment:

Exhibit A – Fiber Optic (Dark Fiber) License Use Agreement with QCS Telecom

Approved as to form and legality

William E. Reischmann, Jr., Esq.

City Attorney