

1ST READING  
2ND READING  
INDEX NO.

425-66  
5-2-06  
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ORDINANCE NO. 11824

AN ORDINANCE GRANTING UNTO XSPEDIUS MANAGEMENT CO. OF CHATTANOOGA, LLC d/b/a XSPEDIUS COMMUNICATIONS A FRANCHISE TO INSTALL AND MAINTAIN FIBER OPTIC CABLES IN CERTAIN RIGHTS-OF-WAY IN THE CITY OF CHATTANOOGA, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO PROVIDE TELECOMMUNICATION SERVICES, SUBJECT TO CERTAIN CONDITIONS.

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SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That there be and is hereby granted unto Xspedius Management Co. of Chattanooga, LLC d/b/a Xspedius Communications (hereinafter "Grantee") a franchise to install and maintain fiber optic cable and related equipment in the rights-of-way in the City of Chattanooga, , as shown on the map attached hereto and made a part hereof by reference, in accordance with Chattanooga City Code, Part II, Chapter 32, Article XI, to provide telecommunication services.

SECTION 2. BE IT FURTHER ORDAINED, That this franchise is granted upon the condition that Grantee will comply with the provisions of the Chattanooga City Code, Part II, Chapter 32, Article XI, as the same now exists or as it may reasonably be amended.

SECTION 3. BE IT FURTHER ORDAINED, That the term of this franchise shall be for a period of ten (10) years.

SECTION 4. BE IT FURTHER ORDAINED, That this ordinance shall not be operative, as distinguished from its effectiveness, unless and until the franchise herein granted is accepted by the Grantee by due execution of the acceptance attached hereto.

SECTION 5. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two weeks from and after its passage.

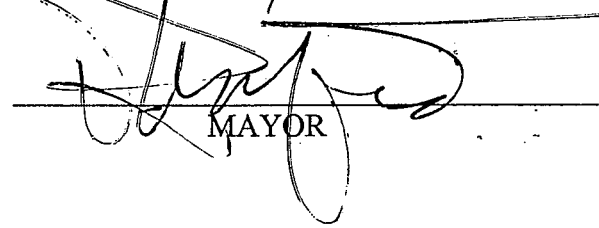
PASSED on Second and Final Reading

May 2, 2006.

  
CHAIRPERSON

APPROVED:  DISAPPROVED:

DATE: 5/5, 2006

  
MAYOR

RLN/add

ACCEPTANCE

The foregoing franchise and its terms and conditions are hereby accepted.

This the 12<sup>th</sup> day of July, 2006.

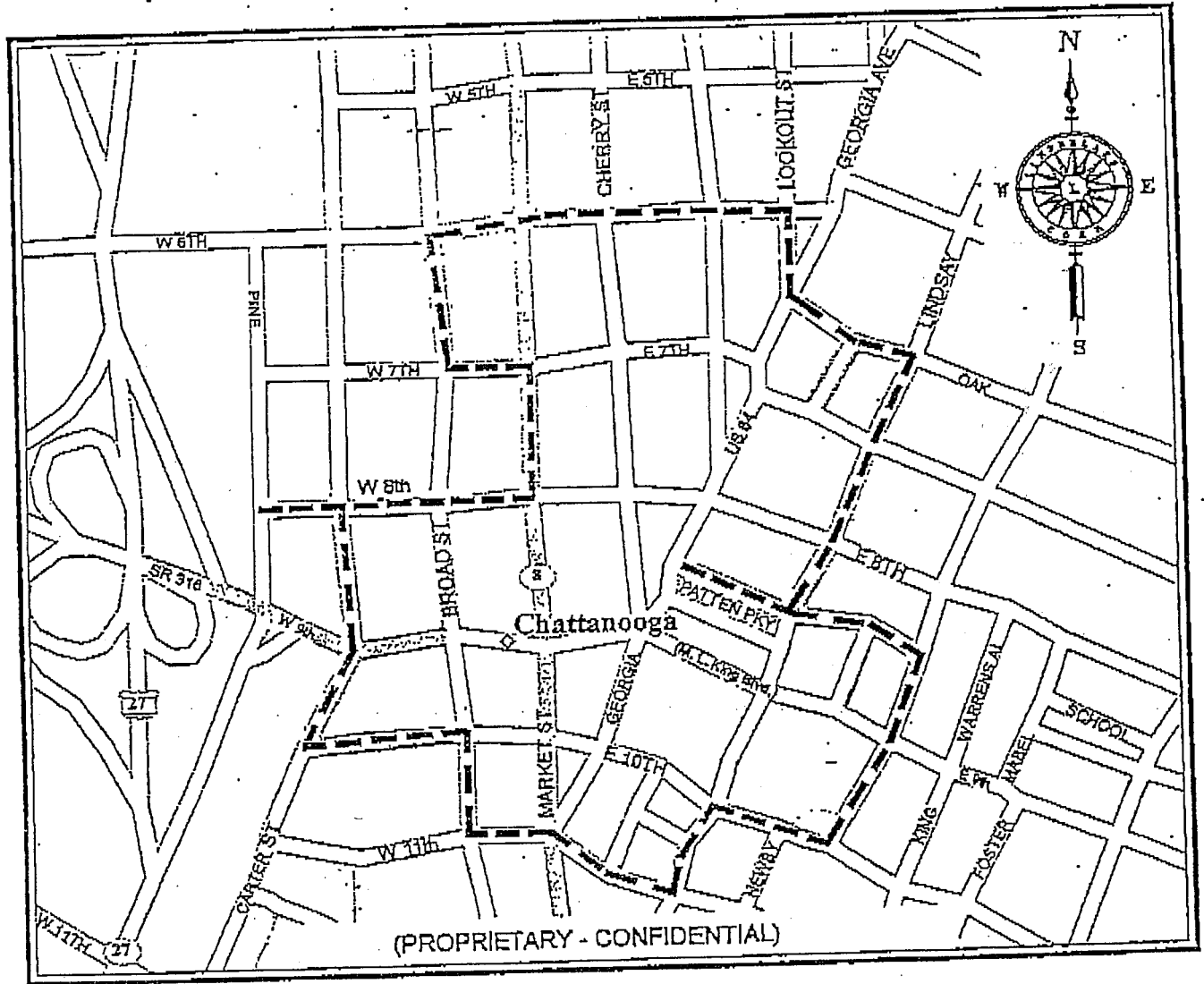
XSPEDIUS MANAGEMENT CO. OF  
CHATTANOOGA, LLC  
d/b/a XSPEDIUS COMMUNICATIONS

BY: Jan C. Falvey

WITNESS:

Greg Campbell

# CHATTANOOGA, TENNESSEE



**ACSI** American  
Communications  
Services, Inc.