

**RESOLUTION
R 151 - 11 / 12**

**A RESOLUTION TO GRANT A2D, INC. PERMISSION TO PLACE
BROADBAND INFRASTRUCTURE ALONG CITY OF SELMA RIGHT-OF-WAY**

WHEREAS, Trillion Communications Corporation (Trillion) applied to the Broadband Technology Opportunities Program (BTOP) for a grant to: (1) install approximately 2,200 miles of new fiber optic cable using underground cable/conduit burial, (2) construct 34 remote Terminal (RT) sites, (3) collocate six Worldwide Interoperability for Microwave Access (WiMAX) radios on existing towers throughout the region, and (4) complete interior building renovation of four existing facilities for the purposes of establishing Community Technology Centers (CTCs) to serve as the Node/Network Operations Centers and community training centers; *and*

WHEREAS, Trillion Communications was awarded \$59 million in American Recovery and Reinvestment Act (ARRA) funding through the U.S. Department of Commerce's National Technology and Information Administration (NTIA); *and*

WHEREAS, the proposed project, the South Central Alabama Broadband Commission (SCABC) Project (Project), will be located in and provide service in nine counties in Alabama; *and*

WHEREAS, the South Central Alabama Broadband Commission Comprehensive Community Infrastructure (SCABC CCI) broadband project is a part of the federal government's effort to help bridge the "digital divide" in the state and the nation by implementing a next generation open access broadband networks in underserved areas; *and*

WHEREAS, the (SCABC CCI) network will enable anchor institutions, healthcare organizations, workforce development, economic development, businesses, large and small, faith-based and non-profit organizations, as well as, public safety to create and deliver critical services and programs to improve the life of citizens in Selma and throughout the Black belt region of south central Alabama; *and*

WHEREAS, the project includes installing approximately 2,200 miles of new fiber optic cable using underground cable/conduit burial, including approximately 870 miles of underground backbone cable installed within the Alabama State right-of-way (ROW), approximately 292 miles of underground trunk cable connecting the backbone of the cities and towns for the current phase of the Project, and approximately 1,038 miles of underground distribution cable that makes up the last mile of the project; *and*

WHEREAS, A2D, Inc, seeks to receive permitting approval for broadband infrastructure placement along the City of Selma Right-of-Way on Lauderdale Street, between Dallas Avenue (Alabama State Route 22) and the Intersection of Water Avenue; *and*

WHEREAS, all construction for the fiber optic cable will be within existing City of Selma's Right-of-Way.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELMA, ALABAMA that the City Council hereby grants and permits a non-exclusive use of the City's right-of-way for the purpose of placing broadband infrastructure along the City of Selma Right-of-Way on the East side of Lauderdale Street, between Dallas Avenue (Alabama State Route 22) and the Intersection of Water Avenue. Said approval is contingent on the following circumstances being satisfied:

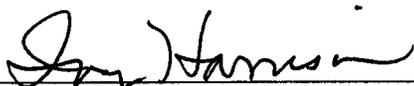
1. All excavation and work shall comply with each and every requirement of the building inspector.
2. The Public Works Director shall inspect and monitor the placement of the Broadband and may impose reasonable conditions upon the issuance of the Right-of-way permit in order to protect the public health, safety and welfare, to ensure the structural integrity of the right-of-way, to protect the property and safety of other users of the Right-of-way and to minimize the disruption to the traveling public.

3. Contractor and/or permittee is required to file a performance and maintenance bond in an amount that is equal to the project cost or in the amount of \$50,000, whichever is greater.
4. The Contractor and/or permittee, at its expense, shall provide and maintain during the project and use of the Right-of-way commercial general liability insurance with a reputable, qualified and financially sound company licensed to do business in the State of Alabama and unless otherwise approved by the City, with a rating of not less than "A" that shall protect the Right-of-way user, the City of Selma, its officials, officers and employs from claims which may arise from operation and work being completed on the Right-of-way. Single limit coverage applying to Bodily and Personal injury and property damage shall be at least \$1,000,000.
5. After digging in the Right-of-way, the streets, pavement, sidewalks which have been disrupted shall be restored back to its original state.
6. The permittee shall indemnify, defend and hold harmless the City of Selma, its officials, employees from and against any and all liability, claims, losses, damages, injuries or expenses (including reasonable attorney fees), as a result from or arising out of the City granting a permit for the use of the Right of way for the purpose of installing broadband infrastructure.
7. The permit shall be limited and restricted to the placement of conduit for broadband infrastructure. Prior to the issuance of the permit, permittee shall agree in writing to all of the described terms.
8. Permittee is hereby required to obtain, at its own expense, prior to the issuance of the permit, all local, state & federal permits, approvals, licenses, including , but not limited to, Alabama Department of Transportation, U.S. Army Corp of Engineers, Alabama Department of Conservation and Wildlife and Alabama Historic Commission.

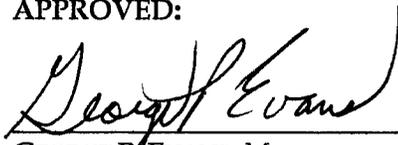
ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELMA, ALABAMA
on this the 24 day of January, 2012.


DR. CECIL WILLIAMSON, *President*

ATTEST:


IVY HARRISON, *City Clerk*

APPROVED:


GEORGE D. EVANS, *Mayor*