
THE CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION
NO. _____

**RESOLUTION AUTHORIZING THE EXECUTION OF A DARK FIBER LICENSE
AGREEMENT WITH DIGITAL NETWORK ACCESS COMMUNICATIONS, INC.**

JOHN BEARROWS, Mayor
SUE MESSER, City Clerk
TOM MCDERMOTT
BIL HAYES
DAN MCDERMOTT
KATE SHAW-DICKEY
JOHN GRUBEN
DON BURKE

City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
Peterson, Johnson, and Murray Chicago, LLC, City Attorneys
200 W. Adams, Suite 2125 Chicago, IL 60606

RESOLUTION AUTHORIZING THE EXECUTION OF A DARK FIBER LICENSE AGREEMENT WITH DIGITAL NETWORK ACCESS COMMUNICATIONS, INC.

RESOLUTION NO. _____

WHEREAS, the City of Rochelle (“City”) is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5-1-1, et seq.; and

WHEREAS, The City owns and operates, for its telecommunications needs and to enhance the services it offers to its residents, a fiber optic cable network through the Rochelle Municipal Utilities (“RMU”) Tech Center, a department of the City;

WHEREAS, Digital Network Access Communications, Inc. desires to license the use of certain dark fibers owned by the City and operated by the RMU; and

WHEREAS, RMU staff have negotiated a dark fiber lease with Digital Network Access Communications, Inc. and recommends that the City enter into Lease Agreement Digital Network Access Communications, Inc.; and

WHEREAS, the Mayor and City Council finds that it is in the best interest of the City and its residents for the City of Rochelle to enter into a Dark Fiber License Agreement between the City and Digital Network Access Communications, Inc. (attached hereto as Exhibit 1).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ROCHELLE, ILLINOIS as follows:

SECTION ONE. The foregoing Recitals are not mere preparatory language, but are hereby incorporated in this Section 1 as if said Recitals were fully set forth.

SECTION TWO. The City Manager is authorized to execute a Dark Fiber License Agreement, in a form substantially similar to Exhibit 1, attached hereto, subject to review and revision as to form by the City Attorney.

SECTION THREE: All prior Ordinances, Resolutions and Personnel Policies in conflict or inconsistent herewith are hereby expressly repealed but only to the extent of such conflict or inconsistency.

SECTION FOUR: This Resolution shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS 10th day of February, 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS 10th day of February, 2020.

MAYOR

ATTEST:

CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, _____, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. _____, “RESOLUTION AUTHORIZING THE EXECUTION OF A DARK FIBER LICENSE AGREEMENT WITH DIGITAL NETWORK ACCESS COMMUNICATIONS, INC.” which was adopted by the Mayor and City Council of the City of Rochelle on February 10, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 10th day of February, 2020.

CITY CLERK