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**THE CITY OF ROCHELLE**  
**Ogle County, Illinois**

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**RESOLUTION**  
**NO. \_\_\_\_\_**

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**RESOLUTION AUTHORIZING THE EXECUTION OF A DARK FIBER LICENSE**  
**AGREEMENT WITH ZAYO GROUP, LLC**

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**JOHN BEARROWS, Mayor**  
**SUE MESSER, City Clerk**

**TOM MCDERMOTT**  
**BIL HAYES**  
**DAN MCDERMOTT**  
**KATE SHAW-DICKEY**  
**JOHN GRUBEN**  
**DON BURKE**

**City Council**

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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 ZAYO GROUP, LLC**

**RESOLUTION NO. \_\_\_\_\_**

**WHEREAS**, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle (“City”), Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

**WHEREAS**, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; 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**, Zayo Group, LLC 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 license agreement with Zayo Group, LLC and recommends that the City enter into Dark Fiber License Agreement with Zayo Group, LLC; 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 Zayo Group, LLC (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**: If any provision of this Resolution or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Resolution is severable.

SECTION FOUR: Where the conditions imposed by any provisions of this Resolution are more restrictive than comparable provisions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Resolution will govern.

SECTION FIVE: The City Clerk shall publish this Resolution in pamphlet form.

SECTION SIX: 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 28th day of September, 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS 28th day of September, 2020.

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MAYOR

ATTEST:

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CITY CLERK

STATE OF ILLINOIS        )  
                                      )  
COUNTY OF OGLE         )        SS.

CERTIFICATE

I, Sue Messer, 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 ZAYO GROUP, LLC” which was adopted by the Mayor and City Council  
of the City of Rochelle on September 28, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of  
the City of Rochelle this 28th day of September, 2020.

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CITY CLERK