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ORDINANCE NO. 45-951

AN ORDINANCE OF THE CITY OF WICHITA, KANSAS, GRANTING TO BROOKS FIBER COMMUNICATIONS OF MISSOURI, INC., THE RIGHT AND PRIVILEGE TO CONSTRUCT, OPERATE, AND MAINTAIN A FIBER OPTIC TELECOMMUNICATION SYSTEM IN THE CITY OF WICHITA; AND PRESCRIBING THE TERMS OF SAID GRANT AND RELATING THERETO

WHEREAS, by Ordinance No. 41-442, passed and approved June 18, 1991, the City of Wichita granted to WTG-West, Inc. the right and privilege to construct, operate, and maintain a fiber optic telecommunication system in the City, and WTG-West, Inc., or its successors in interest, has exercised its option to renew its rights under the ordinance; and

WHEREAS, Brooks Fiber Communications of Missouri, Inc., a wholly owned subsidiary of WorldCom, Inc., as successor to MCI WorldCom network Services, Inc., and successor to WTG-West, Inc., desires to obtain such rights and privileges for additional right-of-way in the City;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. This ordinance duplicates and incorporates herein all provisions of Ordinance No. 41-442, including the term of said Ordinance No. 41-442, except as specifically provided herein.

SECTION 2. The definition of "WTG" or "Company" shall mean Brooks Fiber Communications of Missouri, Inc., a wholly owned subsidiary of WorldCom, Inc.

SECTION 3. Attachment "A" shall mean the route described in Ordinance no. 41-442 and such additional route as described in Attachment "A" hereto.

SECTION 4. Prior to the effective date of this ordinance, the Company shall file with the City Clerk of the City of Wichita its acceptance in writing of the provisions, terms and conditions of this ordinance, which acceptance shall be duly acknowledged before an officer authorized by law to administer oaths. When so accepted the ordinance and acceptance shall constitute a contract between the City and Brooks subject to the provisions of the laws of the state of Kansas.

SECTION 5. This ordinance shall be effective upon its final passage and publication once in the official City paper.

PASSED AND APPROVED by the governing body of Wichita, Kansas, this date, December 16, 2003.

CARLOS MAYANS, Mayor

ATTEST:

KAREN SCHOFIELD, City Clerk

APPROVED AS TO FORM:

GARY E. REBENSTORF, Director of Law