

1 RESOLUTION 2013-
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3 A RESOLUTION ADDING CERTAIN ASSETS COMPRISING, AND
4 RELATED TO, THE CITY OWNED FIBER NETWORK TO THE SURPLUS
5 PROPERTY LIST AND AUTHORIZING THE MAYOR TO SELL THE
6 PROPERTY TO GOOGLE FIBER, INC. (13-____)
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9 WHEREAS, Provo City (the "City") owns certain assets, described more fully as the
10 "Acquired Assets" in the Asset Purchase Agreement attached as Exhibit "A" (the "Property")
11 which assets make up, or are related to, a fiber-to-the-premises communications network
12 operated within the City (the "Network"); and
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14 WHEREAS, Google Fiber, Inc. ("Google Fiber") is desirous to purchase the Property in
15 order to offer broadband Internet access and IP video services within the City; and
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17 WHEREAS, Google Fiber has expressed its intent to upgrade the Network to achieve
18 broadband Internet service speed of up to one (1) Gbps and to offer (at lower speeds) free
19 broadband Internet service to Provo residents for up to seven (7) years; and
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21 WHEREAS, the Mayor has recommended that the Property be added to the Surplus
22 Property List by resolution pursuant to Provo City Code 3.04.030(1); and
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24 WHEREAS, pursuant to Provo City Code 3.04.030(7), on April 16, 2013, the Mayor
25 executed the Asset Purchase Agreement in the attached Exhibit "A" thereby agreeing to sell the
26 Property to Google Fiber, which Asset Purchase Agreement expressly provides that it shall not
27 be effective until approved by the Municipal Council; and
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29 WHEREAS, on April 23, 2013, the Municipal Council held a duly noticed public
30 meeting to consider the proposed sale and to ascertain the facts regarding this matter, which facts
31 are found in the meeting record; and,
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33 WHEREAS, after considering the Mayor's recommendation, and facts and comments
34 presented to the Municipal Council, the Council finds (i) the Property should be added to the
35 Surplus Property List for sale and sold subject to the conditions set forth below and (ii) the sale
36 of such Property reasonably furthers the best interests, and the health, safety and general welfare
37 of the citizens of Provo City.
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39 NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah, as
40 follows:
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42 PART I:
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- 44 1. The Property, as described by the term "Acquired Assets" in the Asset Purchase
45 Agreement attached hereto as Exhibit "A," is hereby placed on the Surplus Property
46 list.

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2. The Mayor is authorized to dispose of the Property by selling the Property according to the terms of the Asset Purchase Agreement and the related Transaction Documents, as that term is defined in the Asset Purchase Agreement.

3. The Mayor’s execution of the Asset Purchase Agreement is hereby approved and ratified in full. The Mayor is hereby authorized to execute all of the Transaction Documents (except the Franchise Agreement and the Network Operations Center Lease Agreement, which shall be approved by separate resolutions), the Collateral Documents, and any other documents necessary or convenient to accomplish the transaction described herein. To the extent any action relating to this transaction requires approval or ratification by the Municipal Council, or any document previously executed pursuant to the Mayor’s authority in Provo City Code 3.04.030(7) requires further approval or ratification, such action and said documents are hereby expressly approved and ratified.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.