

**CITY OF FAIRWAY, KANSAS
ORDINANCE NO. 1767**

**AN ORDINANCE PROVIDING APPROVAL FOR THE TRANSFER OF
TELECOMMUNICATIONS CONTRACT FRANCHISE (ORDINANCE
NO. 1340) FROM CONSOLIDATED COMMUNICATIONS
ENTERPRISE SERVICES, INC. TO EVERFAST FIBER NETWORKS
LLC.**

WHEREAS, the City of Fairway, Kansas (the "City") passed Ordinance No. 1340 to grant a contract franchise to Everest Midwest Licensee, LLC for the construction, operation, and maintenance of a telecommunications system in the City (the "Franchise"); and

WHEREAS, as the result of mergers and/or consolidations, Consolidated Communications Enterprise Services, Inc., a Delaware corporation ("Consolidated"), is the current holder of the Franchise; and

WHEREAS, Everfast Fiber Networks LLC, a Delaware limited liability company ("Everfast"), has entered into an agreement (the "Agreement") to purchase all of the customer base and other assets of Consolidated and its affiliates associated with telecommunications and other services provided in the Kansas City metropolitan area; and

WHEREAS, Everfast has requested transfer of the Franchise, concurrent with the anticipated closing date of the Agreement in September/October 2022; and

WHEREAS, Section 12 of the Franchise requires the prior written approval of the City before such a transfer or assignment, and K.S.A. 12-2001(e)(1) requires any amendment to an existing contract franchise to be made by ordinance.

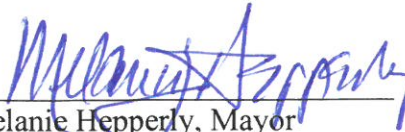
**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE CITY OF FAIRWAY, KANSAS:**

SECTION 1. Consent to and Effective Date of Transfer. The City hereby acknowledges notice of the Agreement and consents to the transfer of the Franchise from Consolidated to Everfast, with such transfer to occur upon or concurrent with the closing of the Agreement. Pursuant to Section 12 of the Franchise, Consolidated or Everfast shall, as soon as practicable, advise the City of the specific effective date of transfer and provide contact information for Everfast.

SECTION 2. Indemnity, Bonding and Insurance. Pursuant to Section 12 of the Franchise, Consolidated's obligations under the Franchise with regard to indemnity, bonding and insurance shall continue until Everfast has taken the appropriate measures necessary to assume and replace the same, the intent being that there shall be no lapse in any coverage as a result of the transfer.

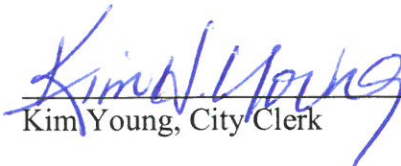
SECTION 3. Effective Date of Ordinance. This Ordinance No. 1767 shall take effect and be in force from and after its publication, or the publication of a certified summary hereof, in the official City newspaper.

PASSED by the Governing Body this 8th day of August, 2022. **APPROVED** by the Mayor.




Melanie Hepperly, Mayor

ATTEST:



Kim Young, City Clerk

APPROVED AS TO FORM:



Anna M. Krstulic, City Attorney