

**CITY OF THE COLONY, TEXAS**

**RESOLUTION NO. 2018- 059**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING RESOLUTION NO. 2017-081 AMENDING THE 2017-2018 MASTER FEE SCHEDULE, BY AMENDING THE MASTER FEE SCHEDULE TO ESTABLISH FEES FOR NETWORK NODES WITHIN PUBLIC RIGHTS-OF-WAY; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of The Colony established, by ordinance, to provide for all fees under the Code of Ordinances by resolution; and

**WHEREAS**, the City Council of the City of The Colony, Texas, approved Resolution No. 2017-081, amending the Master Fee Schedule for the City of The Colony, Texas; and

**WHEREAS**, in 2017, the Texas Legislature approved Senate Bill 1004 establishing fees the City could charge for the deployment of network nodes with the City's public rights-of-way; and

**WHEREAS**, section 284.053 of the Texas Local Government Code, as added by Texas Senate Bill 1004, established a network node annual public right-of-way fee of \$250.00 per network node installed in the public right-of-way; and

**WHEREAS**, section 284.055 of the Texas Local Government Code, as added by Texas Senate Bill 1004, established a network provider fee of \$28 per node per month fee; and

**WHEREAS**, section 284.056 of the Texas Local Government Code, as added by Texas Senate Bill 1004, established a fee of \$20 per pole to collocate network nodes on city service poles.

**WHEREAS**, section 284.156(b)(2) of the Texas Local Government Code, as added by Texas Senate Bill 1004, establishes an application fee of \$500 per application covering up to five (5) network nodes, an application fee of \$250 for each additional network node per application, and a \$1,000 fee per application for each pole; and

**WHEREAS**, the City Council of the City of The Colony, Texas, has determined that the Master Fee Schedule, Resolution No. 2017-081, should be amended to provide for fees for network nodes within public rights-of-way.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, THAT:**

**SECTION 1.** Resolution No. 2017-081 is hereby amended by adding the "Network Node Fees," which shall read as follows:

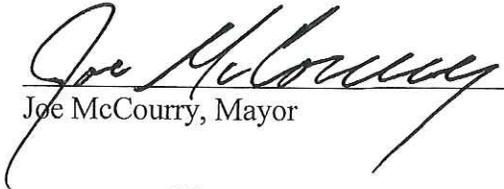
**“Network Node Fees**

Annual Public Right of Way Use Fee	\$250 per network node
Network Provider Connect Network Node to Network Fee	\$28 per node per month
Pole Attachment Rent (Network Node on Service Pole)	\$20/pole
Permit Application Fee	\$500 up to 5 network nodes \$250 for each additional application \$1,000 for each pole”

**SECTION 2.** That all provisions of any resolution of the City Council of the City of The Colony, Texas, in conflict with the provisions of this Resolution be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Resolution shall remain in full force and effect.

**SECTION 3.** This Resolution shall become effective immediately from and after its date of passage in accordance with law.

**PASSED AND APPROVED** by the City Council of the City of The Colony, Texas, this 17th day of July, 2018.

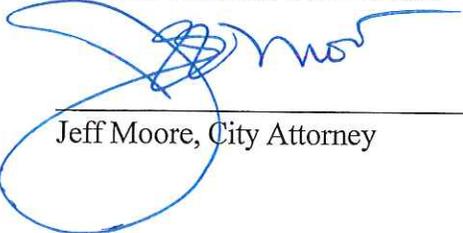
  
\_\_\_\_\_  
Joe McCourry, Mayor

ATTEST:

  
\_\_\_\_\_  
Tina Stewart, TRMC, City Secretary



APPROVED AS TO FORM:

  
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Jeff Moore, City Attorney