

Resolution No.: 16-64  
Introduced: January 23, 2007  
Adopted: March 8, 2007

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY MARYLAND**

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By: Council President at the Request of the County Executive

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**SUBJECT:** Grant of franchise to Mobilitie Investments, L.L.C. to use the public right-of-way

**Background**

1. Section 49-11 and 49-12 of the County Code provide that the County Council may grant a franchise for use of the public right-of-way after:
  - a) the franchise applicant publishes the application once a week for three consecutive weeks in a newspaper of general circulation in the County;
  - b) the County Executive makes "diligent inquiry" into the value of the franchise and the adequacy of the proposed compensation the applicant will pay to the County;
  - c) the Executive holds a hearing on the application if any taxpayer or affected property owner objects to the franchise within 10 days after publication of the application;
  - d) the Executive makes a written recommendation to the Council about the franchise, including a description of the application and any objections to it, findings about the value of the franchise, and any other relevant matters; and
  - e) the Council decides that the franchise is expedient and proper.
2. On November 17, November 24, and December 1, 2006, Mobilitie Investments, L.L.C. published notice of its application for a franchise to use the public right-of-way to operate distributed antenna systems. The Executive received no objection to the franchise by the December 11, 2006 deadline and was therefore not required to conduct a hearing on the franchise application.
3. On January 8, 2007, the Council received the Executive's recommendation to grant a franchise to Mobilitie Investments, L.L.C. and a proposed franchise agreement.
4. On February 13, 2007, the Council held a public hearing on the proposed franchise. There were no speakers.

5. On March 1, 2007, the Council's Management and Fiscal Policy Committee considered the franchise application and recommended that the Council grant the franchise as recommended by the Executive.

**Action**

The County Council for Montgomery County Maryland approves the following resolution:

The County Council finds that granting a franchise to Mobilitie Investments, L.L.C. for use of the public right-of-way for distributed antenna systems is expedient and proper. The Council grants the franchise under the terms of the attached franchise agreement.

This is a correct copy of Council action.



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Linda M. Lauer, Clerk of the Council