

ORDINANCE NO. 743

AN ORDINANCE GRANTING A SECOND EXTENSION TO THE TERM OF A CABLE TELEVISION FRANCHISE GRANTED TO AT&T COMCAST CORPORATION

WHEREAS, AT&T Comcast Corporation (“Comcast”) is the successor to TCI Cablevision of Colorado, Inc. and currently holds a cable television franchise (“Franchise”) with the City, granted by Ordinance No. 538 adopted January 10, 2000 and transferred to Comcast by Resolution No. 02-36; and

WHEREAS, the Franchise is expired by its own terms on January 24, 2010; and

WHEREAS, the City Council previously adopted Ordinance No. 736, which extended the term of the Franchise for a period of six months until July 24, 2010; and

WHEREAS, Comcast and the City continue to negotiate a renewal of the existing Franchise but do not believe a final Franchise can be executed before July 24, 2010; and

WHEREAS, Comcast and the City need additional time to complete negotiations and for the City to consider and adopt a proposed franchise renewal; and

WHEREAS, Comcast has agreed to the extension of the Franchise as set forth in this Ordinance; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City to extend the term of the Franchise prior to its expiration to allow for completion of ongoing negotiations regarding a franchise renewal.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. That the Franchise between Comcast and the City is hereby extended from its expiration date of July 24, 2010 until an expiration date of December 31, 2010. The Franchise shall remain in effect, pursuant to the terms and conditions contained therein, until the new expiration date, or until a new agreement is entered into between the parties, or until the Franchise is terminated pursuant to its terms.

Section 2. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 3. If any section, paragraph, sentence, clause or provision of this Ordinance shall for any reason be held to be unconstitutional, invalid or unenforceable for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part be declared unconstitutional or invalid.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED IN FULL this 28th day of JUNE, 2010.

PUBLIC HEARING AND SECOND READING WILL BE THE 12th DAY OF JULY, 2010, AT 7:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this ____ day of _____, 2010.

CITY OF DACONO, COLORADO

Charles Sigman, Mayor

ATTEST:

Valerie Elliott-Lucero, City Clerk

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Summary of Ordinance No. 743, "AN ORDINANCE GRANTING A SECOND EXTENSION TO THE TERM OF A CABLE TELEVISION FRANCHISE GRANTED TO AT&T COMCAST CORPORATION": Extends the term of a cable franchise between Comcast and the City to December 31, 2010 or until a new franchise agreement is in place while the parties negotiate a franchise renewal.