

CITY OF MAPLE VALLEY, WASHINGTON

ORDINANCE NO. O-17-622

AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON AMENDING ORDINANCE NO. O-11-469; EXTENDING THE TERM OF THE CABLE TELEVISION FRANCHISE HELD BY COMCAST OF WASHINGTON IV & COMCAST OF CALIFORNIA/COLORADO/WASHINGTON I, INC.

WHEREAS, the City of Maple Valley, Washington (“City”), pursuant to Ordinance No. O-11-469, granted a cable television franchise and entered into a cable television franchise agreement (collectively, the “Franchise”) with Comcast of Washington IV, Inc. and Comcast of California/Colorado/Washington I, Inc. (“Comcast”), which became effective October 9, 2011, to provide cable television service within the territorial limits of the City; and

WHEREAS, the Franchise term expired on October 9, 2016; and

WHEREAS, the Franchise is now in effect on a month-to-month basis; and

WHEREAS, to enable the City and Comcast to conduct and complete the Franchise renewal process, the parties believe it is reasonable, appropriate and in the public interest to extend the term of the Franchise; and

WHEREAS, the City and Comcast believe that a Franchise extension to October 9, 2018, will initially be sufficient to provide the time needed to complete the Franchise renewal process, or to conclude that additional time will be needed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Ordinance Amended. Section 2.3 of the Franchise Agreement, “Duration,” embodied in Ordinance No. O-11-469 is hereby amended to read as follows:

Section 2.3: Duration.

~~The term of this Franchise and all rights, privileges, obligations and restrictions pertaining thereto shall be five (5) years from the effective date of this Franchise, unless terminated or shortened as hereinafter provided. This Franchise shall expire on midnight, October 9, 2018.~~

Section 2. This extension shall not constitute a waiver of any rights, remedies or defenses the City or Comcast may have under applicable laws and regulations. The parties specifically reserve all rights, remedies and defenses they have under the renewal procedures set forth in 47 U.S.C. § 546.

Section 3. Nothing in this Ordinance precludes the City from granting additional Franchise extensions.

Section 4. This Amendment to the Franchise and its terms and provisions shall be accepted by Comcast by the submission of a written instrument, executed and sworn to by a corporate officer of Comcast before a Notary Public, and filed with the City Clerk within sixty (60) days after the effective date of this Ordinance. Such instrument shall evidence the unconditional acceptance of this Amendment to the Franchise and the promise to comply with and abide by all its provisions, terms and conditions.

Section 5. This ordinance shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force five (5) days after publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF THE 11TH DAY OF SEPTEMBER 2017.

Sean P. Kelly, Mayor

ATTEST:

Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

Patricia Taraday, City Attorney

Date of Publication: September 15, 2017
Effective Date: September 20, 2017

ACCEPTED:

COMCAST OF WASHINGTON IV, INC. AND COMCAST OF
CALIFORNIA/COLORADO/WASHINGTON I, INC.

By:
Its: