

ORDINANCE NO. 1481

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON extending through August 30, 2011 the cable franchise agreement currently held by Comcast of Washington IV, Inc., a/k/a/ Comcast Communications, Inc., as granted on July 31, 2003 through the passage of Ordinance No. 1327.

WHEREAS, Comcast of Washington IV, Inc. ("Operator") has been operating a cable system within the City pursuant to an existing cable television franchise, and

WHEREAS, the amount of time required to conclude a refranchising process will extend approximately two (2) years, and

WHEREAS, the refranchising process, including public review and comment on a proposed new franchise and presentations to and input from the City Council, requires additional time, and

WHEREAS, many citizens rely upon cable service and access to government channels as their sole means of staying informed about government actions and other newsworthy events that effect their lives, and

WHEREAS, it is in the public interest to ensure that cable services continue to be available to the public after the current expiration of the franchise with the Operator, and

WHEREAS, it is in the public interest to extend the current franchise agreement for an additional period of time, and

WHEREAS, neither party waives any right which it enjoys under law as a result of agreeing to this extension; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. Franchise amended and extended. The franchise granted by Ordinance No. 1327 is hereby amended and extended through August 30, 2011, or until such time as a new franchise is negotiated and approved by the City Council, whichever occurs first.

Sec. 2. Ratification and affirmation. Any acts consistent with the authority and prior to the effective date of this ordinance are hereby ratified and affirmed.

Sec. 3. Savings clause. Ordinance No. 1327, which is amended by this ordinance, shall remain in force and effect until the effective date of this ordinance.

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

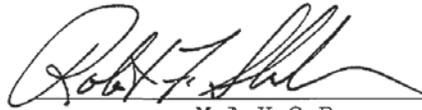
Sec. 5. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

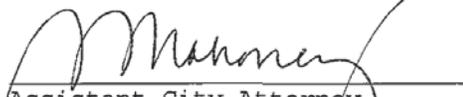
(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

Sec. 6. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

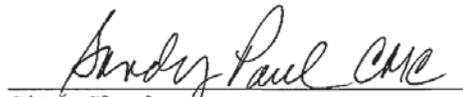
PASSED BY the City Council of the City of Des Moines this 11th day of March, 2010 and signed in authentication thereof this 11th day of March, 2010.


MAYOR

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk

Published: March 17, 2010

Effective Date: April 10, 2010

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1481, Adopted March 11, 2010.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to extends through August 30, 2011 the cable franchise agreement currently held by Comcast of Washington IV, Inc., a/k/a/ Comcast Communications, Inc., as granted on July 31, 2003 through the passage of Ordinance No. 1327.

The full text of the ordinance will be mailed without cost upon request.

Sandy Paul, CMC
City Clerk

Published: March 17, 2010

STATE OF WASHINGTON)
)ss.
COUNTY OF KING)

I, Sandy Paul, CMC, the duly qualified City Clerk of the City of Des Moines, a Non-charter Code City, situated in the County of King, State of Washington, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 1481, an ordinance of the City of Des Moines, entitled:

ORDINANCE NO. 1481

AN ORDINANCE extending through August 30, 2011 the cable franchise agreement currently held by Comcast of Washington IV, Inc., a/k/a/ Comcast, Communications, Inc., as granted on July 31, 2003 through the passage of Ordinance No. 1327.

I further certify that said Ordinance No. 1481 was: (i) introduced on the 11th day of March, 2010; (ii) submitted to the City Attorney on the 11th day of March, 2010; (iii) published on the 17th day of March, 2010, according to law; (iv) approved by a majority of the entire legislative body of the City of Des Moines, at a regular meeting thereof on the 11th day of March, 2010; and (v) approved and signed by the Mayor of the City of Des Moines on the 11th day of March, 2010.

WITNESS my hand and official seal of the City of Des Moines, this ____ day of _____, 2010.

Sandy Paul, City Clerk
City of Des Moines, WA

HONORABLE MAYOR AND CITY COUNCIL
CITY OF DES MOINES, WASHINGTON

In the Matter of the Extension
of the Non-Exclusive Franchise
with Comcast of Washington IV,
Inc. (formerly TCI Cablevision
of Washington, Inc.) to
Construct, Reconstruct,
Upgrade, Maintain and Operate
a Cable System In, Along,
Among, Upon, Across, Above,
Over, Under, or In Any Manner
Connected with the Streets and
Public Rights-of Way Within
the Franchise Area, and for
the Purpose to Erect, Install,
Construct, Repair, Replace,
Reconstruct, Maintain, or
Retain In, On, Over, Under,
Upon, Across, or Along Any
Street or Public Rights-of-Way
Such Equipment As May Be
Necessary or Appurtenant to
The Cable Television System.

FRANCHISE ORDINANCE
NO. 1481

ACCEPTANCE

WHEREAS, the City Council of the City of Des Moines,
Washington, has granted a non-exclusive franchise to Comcast of
Washington IV, Inc., a/k/a Comcast Communications, Inc., by
enacting Ordinance No. 1481, bearing the date of March 11, 2010
and

WHEREAS, a copy of said Ordinance granting said franchise
was received by the Comcast of Washington IV, Inc., a/k/a
Comcast Communications, Inc., on _____, 2010, from
said City of Des Moines, King County, Washington; now therefore,

Comcast of Washington IV, Inc. a/k/a Comcast
Communications, Inc., for itself, its successors and assigns,
hereby accepts said Ordinance and all the terms and conditions
thereof, and files this, its written acceptance, with the City
of Des Moines, King County, Washington.

IN TESTIMONY WHEREOF said Comcast of Washington IV, Inc.,
a/k/a Comcast Communications, Inc. has caused this written
Acceptance to be executed in its name by its undersigned
thereunto duly authorized on
this _____ day of _____, 2010.

ATTEST:
COMCAST OF WASHINGTON IV, INC.
a/k/a COMCAST COMMUNICATIONS,
INC.

COPY RECEIVED FOR CITY OF DES
MOINES:

By: _____
Its _____

Des Moines City Clerk