

ORDINANCE 2013-04

**AN ORDINANCE OF THE CITY OF FRUITA, COLORADO AMENDING ORDINANCE
NO. 2004-27 TO GRANT A TWO-YEAR EXTENSION ON A FRANCHISE
AGREEMENT WITH BRESNAN COMMUNICATIONS, LLC FOR THE
CONSTRUCTION AND OPERATION OF A CABLE SYSTEM**

WHEREAS, the City of Fruita, Colorado ("City") adopted Ordinance No. 2004-27, effective January 7th, 2005, whereby the City granted to Bresnan Communications, LLC ("Franchisee") a non-exclusive franchise authorizing Franchisee to construct and operate a cable system and offer cable service and other services in, along, among, upon, across, above, over, under, or in any manner connected with public ways within the service area in the City ("Franchise"); and

WHEREAS, the current term of the Franchise is set to expire on May 7, 2014; and

WHEREAS, Franchisee has requested the City to amend Ordinance No. 2004-27 to extend the term of the Franchise Agreement for an additional two (2) years, to expire on May 7, 2016; and

WHEREAS, consistent with applicable law, the City Council has determined that it is in the best interest of the City and the citizens of Fruita to amend Ordinance No. 2004-27 to extend the term of the Franchise Agreement for an additional two (2) years, to expire on May 7, 2016; and

WHEREAS, Franchisee has determined that it is in the best interest of the Franchisee to amend Ordinance No. 2004-27 to extend the term of the Franchise Agreement for an additional two (2) years, to expire on May 7, 2016, on the conditions set forth in the this Ordinance.

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

Section 1. Section 2.4 of Ordinance No. 2004-27 is hereby amended to read as follows:

2.4 Term. The Franchise granted hereunder shall be for a term to expire on May 7, 2016, unless otherwise lawfully terminated in accordance with the terms of this Ordinance.

Section 2. All provisions of Ordinance 2004-27 shall remain in full force and effect for the duration of the term of the Franchise (as modified herein), including without limitation, all rights and obligations of the parties under applicable law regarding the renewal of the Franchise and/or Ordinance.

Section 3. In consideration for the rights granted by this extension, Franchisee will provide to the City, within 30 days of adoption and execution of this amendment to the Franchise, a one-time grant in the amount of eight thousand dollars (\$8,000.00) to be used by the City, in its discretion, for any cable or telecommunications related purpose it deems appropriate.

PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL THIS ____ DAY OF _____, 2013.

ATTEST:

City of Fruita, Colorado

BY: _____

Margaret Steelman, City Clerk

Lori Buck, Mayor

ACCEPTED:

BRESNAN COMMUNICATIONS, LLC

BY: _____

Name:

Title: