

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 07-19

AN ORDINANCE OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, AUTHORIZING A FIVE (5) YEAR EXTENSION OF THE FRANCHISE AGREEMENT BETWEEN COMCAST CABLE COMMUNICATIONS MANAGEMENT , LLC, FORMERLY KNOWN AS COMCAST OF WASHINGTON IV, INC.

WHEREAS, Comcast Cable Communications Management, LLC (FKA Comcast of Washington IV, Inc.) currently holds a franchise to make use of City streets and rights-of way for the purposes of construction, operation, maintenance and reconstruction of a Cable Communication System in the City of Buckley, (the “City”), granted by Resolution No. 08-16 and subsequently extended by Ordinance No. 20-13 (the “Franchise”); and

WHEREAS, pursuant to terms of the agreement the current Franchise expired on September 11, 2018; and

WHEREAS, Section 2.2 of the Franchise allows a five (5) year extension of the Franchise if mutually agreed to by both parties; and

WHEREAS, the City and Comcast went through extensive negotiation in drafting the existing Franchise and it took nearly two years to come to agreement and finalize terms outlined in the Franchise; and

WHEREAS, City staff have reviewed the terms and conditions of the Franchise and believe that the terms and conditions continue to be applicable and there are no changes that need to be made to the existing Franchise at this time and are therefore recommending that the City Council extend the Franchise by five (5) years; and

WHEREAS, Comcast has reviewed the Franchise and is satisfied with the current terms and conditions and is in agreement with extending the Franchise for another five (5) years; and

WHEREAS, the City Council concurs with the staff recommendation and desires to extend the current Franchise for five (5) years under the same terms and conditions; and

WHEREAS, the rights of all parties will remain unchanged during an extension of the Franchise, and 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 BUCKLEY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. The franchise agreement between Comcast Cable Communications Management, LLC and the City of Buckley will be extended for a period of five (5) years until September 11, 2023, unless renewed prior to the expiration date or terminated under the terms of the franchise agreement.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Buckley City Council this 26th day of March 2019.



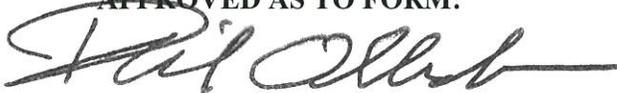
Pat Johnson, Mayor

ATTEST:



Treva Percival, City Clerk

APPROVED AS TO FORM:



Phil Olbrechts, City Attorney

Published: April 3, 2019

Effective: April 8, 2019