O-2013-23

AN ORDINANCE

APPROVING A CABLE FRANCHISE AGREEMENT BETWEEN THE CITY OF LAKEWOOD, COLORADO AND COMCAST OF COLORADO IX, LLC

WHEREAS, the City of Lakewood, Colorado ("City") is authorized by the Lakewood Municipal Code Chapter 5.44 to grant one or more nonexclusive, revocable franchises to construct, reconstruct, operate and maintain a cable system within boundaries of the City; and

WHEREAS, Comcast of Colorado IX, LLC ("Grantee") currently holds a franchise to provide cable service in the City, is agreeable to continue providing such services in the City, and has made application to the City for a cable franchise renewal; and

WHEREAS, the Grantee desires the right to use City owned rights-of-way, City owned easements, and rights-of-way and access easements dedicated and accepted for public use by the City to install and operate a cable television system; and

WHEREAS, the City has reviewed Grantee's obligations under the existing franchise during the prior franchise term, identified future cable-related needs and interests of the City and its residents, has considered the financial, technical and legal qualifications of the Grantee, and after a public hearing where the citizens of Lakewood have had an opportunity to provide input, has determined that Grantee's plans for operating and maintaining its cable system are adequate; and

WHEREAS, the City Council desires to grant to the Grantee and the Grantee desires to accept the terms and conditions herein set forth the Cable Franchise Agreement by and between the City and Grantee, (attached hereto as Exhibit A); and

WHEREAS, the City Council has determined that it is in the best interest of the City and its residents to grant a cable franchise to the Grantee for the term provided in the Cable Franchise Agreement between the City and the Grantee.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

Section 1: The City Council herby approves the Cable Franchise Agreement by and between the City of Lakewood, Colorado and Comcast of Colorado IX, LLC (the "Cable Franchise Agreement") as submitted to the City Council.

Section 2: City officials and employees of the City are authorized to take such actions as appropriate to implement the Cable Franchise Agreement.

Section 3: The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 4: The Cable Franchise Agreement shall take effect on December 31, 2013. It is the intent of the City Council that the Cable Franchise Agreement approved by this ordinance shall, in all respects, supersede the Grantee's existing franchise as approved by Ordinance O-96-54 and extended by Ordinance O-2011-24.

Section 5. This Ordinance shall take effect thirty (30) days after publication following final passage.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular meeting of the Lakewood City Council on the 14th day of October, 2013; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 17th day of October, 2013; set for public hearing on the 28th day of October, 2013, read, finally passed and adopted by the City Council on the 28th day of October, 2013 and, signed and approved by the Mayor on the 29th day of October, 2013.

	Bob Murphy, Mayor	
ATTEST:		
Margy Greer, City Clerk	_	
APPROVED AS TO FORM:		
Tim Cox, City Attorney	_	