

**TOWN OF FRASER
ORDINANCE NO. 470
Series 2019**

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FRASER COLORADO APPROVING A FRANCHISE AGREEMENT WITH COMCAST OF COLORADO IX, LLC, GRANTING TO COMCAST OF COLORADO IX, LLC THE NON-EXCLUSIVE RIGHT TO MAKE REASONABLE USE OF TOWN STREETS, PUBLIC UTILITY EASEMENTS AND OTHER TOWN PROPERTY TO PROVIDE CABLE SERVICE TO THE TOWN AND ITS RESIDENTS; ALL IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE FRANCHISE AGREEMENT; SPECIFYING THAT THE FRANCHISE SHALL BE EFFECTIVE UPON THE EFFECTIVE DATE OF THIS ORDINANCE AND FOR A TERM OF TEN (10) YEARS THEREAFTER; SETTING A FRANCHISE FEE OF 5% OF THE GROSS REVENUES OF COMCAST OF COLORADO IX, LLC AS DEFINED IN SAID FRANCHISE AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE FRANCHISE AGREEMENT FOR AND ON BEHALF OF THE TOWN AND THE TOWN CLERK TO ATTEST THERETO; AND, SETTING FORTH OTHER DETAILS RELATED THERETO.

WHEREAS, Comcast of Colorado IX, LLC (“Comcast”) is the current operator of a cable television system in the Town of Fraser; and

WHEREAS, Comcast provides cable service pursuant to a non-exclusive franchise granted to Comcast of Colorado V, LLC , predecessor of Comcast, by Ordinance No. 275 of the Town of Fraser, adopted in 2003; and

WHEREAS, the Town has determined that Comcast has substantially complied with the material terms of the current franchise under applicable law, and that the financial, legal, and technical ability of Comcast is reasonably sufficient to provide services, facilities, and equipment necessary to meet the future cable-related needs of the community; and

WHEREAS, having afforded the public adequate notice and opportunity for comment, the Town desires to enter into a renewal of the franchise with the Comcast for the construction and operation of a cable system on the terms set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FRASER, OF THE STATE OF COLORADO THAT:

Section 1. Grant of Franchise. The Board of Trustees hereby grants a non-exclusive franchise to Comcast to operate a cable system in the Town of Fraser, pursuant to and subject to all terms, conditions and obligations contained in the Franchise Agreement in the form and content presented to and reviewed by the Board, which Franchise

Agreement is incorporated herein by this reference. The Mayor and the Town Clerk are authorized to execute and deliver said Franchise Agreement on behalf of the Town.

Section 2. Effective Date. This Ordinance and said Franchise Agreement shall take effect thirty (30) days after passage, adoption and publication of this Ordinance as provided by law, subject to said Franchise Agreement being fully executed by both the Town and Comcast.

Section 3. Severability. All sections of this Ordinance and the Franchise Agreement incorporated herein shall be severable, and if any section, portion or provision of this Ordinance or the Franchise Agreement is declared or ruled illegal, invalid, or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other section, portion, or provision of this Ordinance or the Franchise Agreement shall remain in full force and effect. The Board of Trustees hereby declares that it would have passed this Ordinance and approved the Franchise Agreement and each part thereof irrespective of the fact that any one part be declared unconstitutional illegal, or invalid.

Section 4. Repeal. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. Publication. This Ordinance shall be published by title only.

READ, PASSED, ADOPTED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES AND SIGNED THIS 7th DAY OF AUGUST, 2019.

Votes in favor: _____
Votes opposed: _____
Votes abstained: _____

BOARD OF TRUSTEES OF THE
TOWN OF FRASER, COLORADO

BY: _____
Philip Vandernail, Mayor

ATTEST:

Antoinette McVeigh, Town Clerk

(S E A L)

Published in the *Middle Park Times* on _____

CERTIFICATION

The undersigned, Antoinette McVeigh, Town Clerk of the Town of Fraser, hereby certifies that the foregoing Ordinance was duly adopted by the Board of Trustees of the Town of Fraser on _____, 2019, upon second reading. Prior to adoption, said Ordinance was introduced and read for the first time at the Board meeting held on _____, 2019, and was published not less than two weeks prior to such second reading and passage as required by law.

Dated: _____

Antoinette McVeigh, Town Clerk