

COUNCIL BILL NO. 14-009  
ORDINANCE NO. 4431

AN ORDINANCE AMENDING THE CABLE TELEVISION  
FRANCHISE AGREEMENT BETWEEN THE CITY OF ARVADA  
AND COMCAST OF COLORADO IX, LLC, TO EXTEND THE  
TERM OF THE FRANCHISE UNTIL MARCH 31, 2015

WHEREAS, in 1995, the Arvada City Council approved the grant of a nonexclusive Franchise Agreement to Mountain States Video dba TCI of Colorado a wholly owned subsidiary of United Cable Television of Colorado, Inc. ("Grantee") for its construction and operation of a cable television system within the City; and

WHEREAS, as the successor in interest to Mountain States Video dba TCI of Colorado a wholly owned subsidiary of United Cable Television of Colorado, Inc., the Comcast entity that holds the Franchise in the City is Comcast of Colorado IX, LLC; and

WHEREAS, Comcast has preserved its right of renewal by timely filing a request with the City to activate the formal process for renewing the Franchise pursuant to the provisions of the Cable Communications Policy Act of 1984 ("Cable Act"); and

WHEREAS, Section 9-21 of the Franchise Agreement provides that the franchise granted to the City will expire on April 1, 2014; and

WHEREAS, City staff and Comcast of Colorado IX, LLC ("Comcast") representatives have discussed the renewal of the franchise and, both parties have agreed that their respective interests will be served by a brief extension of the existing Franchise Agreement; and

WHEREAS, the City Council is therefore agreeable to extending the existing term of the Franchise Agreement from April 1, 2014 until March 31, 2015.

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

Section 1. That the Mayor is hereby authorized to enter into, on behalf of the City, an amendment to the Franchise Agreement with Comcast to extend the term of the Franchise Agreement from April 1, 2014 until March 31, 2015.

Section 2. Except as specifically modified hereby, the Franchise shall remain in full force and effect.

Section 3. Neither party waives any right which it enjoys under law as a result of agreeing to this Franchise extension, and Comcast shall not be required to file any

additional request or document in order to preserve its right of renewal under Section 626 of the Cable Act.

Section 4. This ordinance shall take effect five days after publication following passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 3<sup>rd</sup> day of March, 2014.

PASSED, ADOPTED, AND APPROVED this 17<sup>th</sup> day of March, 2014.



\_\_\_\_\_  
Marc Williams, Mayor

ATTEST:

  
\_\_\_\_\_  
Christine A. Koch  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
for Christopher K. Daly, City Attorney

Publication Dates: March 6, 2014  
March 20, 2014

**THIRD AMENDMENT TO FRANCHISE AGREEMENT**

This Third Amendment to Franchise Agreement is made and entered into this 17<sup>th</sup> day of March, 2014, by and between the City of Arvada and Comcast of Colorado IX, LLC ("Comcast").

WHEREAS, in [1995], the Arvada City Council approved the grant of a non-exclusive Franchise Agreement to Mountain States Video dba TCI of Colorado a wholly owned subsidiary of United Cable Television of Colorado, Inc. ("Grantee") for its construction and operation of a cable television system within the City; and

WHEREAS, as the successor in interest to Mountain States Video dba TCI of Colorado a wholly owned subsidiary of United Cable Television of Colorado, Inc. , the Comcast entity which holds the Franchise in the City is Comcast of Colorado IX, LLC; and

WHEREAS, Section 9-21 of the Franchise Agreement provides that the franchise granted to the City will expire on April 1, 2014; and

WHEREAS, the City staff and Comcast of Colorado IX, LLC ("Comcast") representatives have discussed the renewal of the franchise and, both parties have agreed that their respective interests will be served by an extension of the existing Franchise Agreement to March 31, 2015; and

WHEREAS, on November 15, 2010, the City Council adopted an ordinance providing for the extension of the existing term of the Franchise Agreement from December 30, 2010 until December 31, 2013; and

WHEREAS, on December 16, 2013, the City Council adopted an ordinance providing for the extension of the existing term of the Franchise Agreement from December 31, 2013 until April 1, 2014; and

WHEREAS, the purpose of this THIRD Amendment is to so extend the term of the Franchise Agreement until March 31, 2015.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and adequacy of which the parties hereto acknowledge, the parties hereby agree as follows:

1. That Section 9-21 of the Franchise Agreement is hereby amended to read as follows:

**9.21 Duration.**

1. The term of the franchise shall expire on March 31, 2015, unless sooner terminated as provided for in this Franchise Agreement.

2. That except as amended by this THIRD Amendment, all other terms and conditions of the Franchise Agreement shall remain unchanged and in full force and effect.

3. That by agreeing to this THIRD Amendment, it is understood that both the City and Comcast are reserving all other rights that each may have according to law, including but not limited to franchise renewal rights set forth in Section 626 of the Cable Act, 47 U.S.C. § 546.



CITY OF ARVADA:

Marc Williams, Mayor

ATTEST:

  
Christine A. Koch  
City Clerk

APPROVED AS TO FORM:

  
Christopher K. Daly, City Attorney

COMCAST OF COLORADO IX, LLC

By:  
Title: Timothy T. Nester  
SVP - Finance and Accounting