

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCILMEMBER POND**  
**COUNCIL BILL NO. 03**  
**ORDINANCE 1534**  
Series of 2013

**TITLE: AN ORDINANCE AMENDING THE CABLE TELEVISION  
FRANCHISE AGREEMENT BETWEEN THE CITY OF  
WHEAT RIDGE, COLORADO AND COMCAST OF  
COLORADO IV, LLC, TO EXTEND THE TERM OF THE  
FRANCHISE**

**WHEREAS**, in the year 2001, the Wheat Ridge City Council adopted Ordinance No. 1216 granting the nonexclusive Franchise Agreement to TCI Cablevision of Colorado, Inc. for its construction and operation of a cable television system within the City; and

**WHEREAS**, Comcast of Colorado IV, LLC ("Comcast") is the successor in interest to TCI Cablevision of Colorado, Inc.; and

**WHEREAS**, Section 2.2 of the Franchise Agreement provides that the franchise granted to Comcast will expire on April 1, 2013; 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**, City staff and Comcast of Colorado IV, LLC 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, 2013, until December 31, 2014.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF WHEAT RIDGE, COLORADO:**

**Section 1.** That the Mayor and City Clerk are hereby authorized to execute, on behalf of the City, an amendment to the Franchise Agreement with Comcast to extend the term of the Franchise Agreement from April 1, 2013, until December 31, 2014.

- 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- Section 4.** **Severability, Conflicting Ordinances Repealed.** If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.
- Section 5.** **Effective Date.** This ordinance shall take effect 15 days after final publication.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 5 to 0 on this 11th day of March, 2013, ordered it published with Public Hearing and consideration on final passage set for the 25<sup>th</sup> day, March, 2013 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado and that it takes effect 15 days after final publication.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 8 to 0, this 25th day of March, 2013.

SIGNED by the Mayor on this 25th day of March, 2013.



ATTEST:

*Janelle Shaver*  
 Janelle Shaver, City Clerk

*Jerry DiTullio*  
 Jerry DiTullio, Mayor

Approved as to Form

*Gerald E. Dahl*  
 Gerald E. Dahl, City Attorney

1<sup>st</sup> Publication: March 14, 2013  
 2<sup>nd</sup> Publication: March 28, 2013  
 Wheat Ridge Transcript  
 Effective Date: April 12, 2013