

ORDINANCE 3965

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE FRANCHISE TO EXTEND THE TERM OF THE CABLE FRANCHISE NOW HELD BY COMCAST OF CALIFORNIA/COLORADO/TEXAS/WASHINGTON, INC.

WHEREAS, in Ordinance 3438, the City of Kirkland granted Tele-Vue Systems, Inc., d/b/a Viacom Cable, a cable franchise pursuant to a renewal request (the "Franchise"); and

WHEREAS, Comcast of California/Colorado/Texas/Washington, Inc. ("Comcast") is the present holder of the franchise granted by Ordinance 3438; and

WHEREAS, the City of Kirkland and Comcast are presently negotiating a franchise renewal consistent with federal laws; and

WHEREAS, the City of Kirkland and Comcast find it mutually beneficial to amend the existing Franchise to extend the term of the Franchise for a reasonable period of time in order to promote and facilitate an orderly franchise renewal process; and

WHEREAS, neither party waives any right which it enjoys under law as a result of agreeing to this amendment.

NOW, THEREFORE, The City Council of the City of Kirkland do ordain as follows:

Section 1. The City of Kirkland finds that amending the Franchise to extend the Franchise term is in the interest of the public.

Section 2. The City of Kirkland hereby amends the Franchise to extend the term of the Franchise held by Comcast for a period of six (6) months, from and including November 27, 2004, through and including May 26, 2005.

Section 3. Within forty-five (45) days of the effective date of this ordinance, Comcast shall file with the City of Kirkland its written acceptance of this amendment extending the franchise term. If Comcast

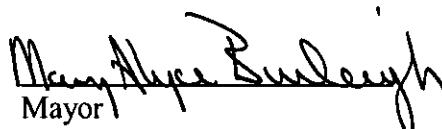
fails to do so, then this ordinance shall be voidable at the discretion of the City.

Section 4. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, and the application of the provision to other persons or circumstances, is not affected.

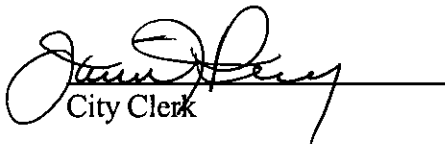
Section 5. This ordinance shall be in force and effect five (5) days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 19th day of October, 2004.

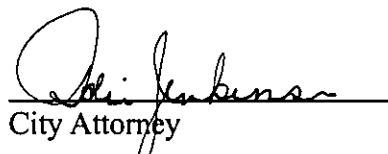
Signed in authentication thereof this 19th day of October, 2004.


Mayor

Attest:


City Clerk

Approved as to Form:


City Attorney

ORDINANCE 3965-A

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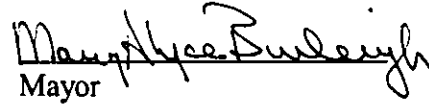
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Section 4. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, and the application of the provision to other persons or circumstances, is not affected.


Section 5. This ordinance shall be in force and effect five (5) days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 3rd day of November, 2004.

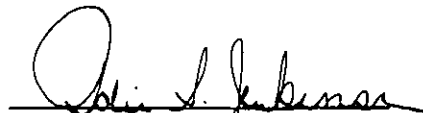
Signed in authentication thereof this 3rd day of November, 2004.


Mayor

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City Clerk

Approved as to Form:


City Attorney