

ORDINANCE NO. 1599

**AN ORDINANCE OF THE CITY OF LYNDEN, WASHINGTON GRANTING A
FRANCHISE TO COMCAST OF WASHINGTON IV, INC. FOR THE CONSTRUCTION
AND OPERATION OF A CABLE SYSTEM**

WHEREAS, pursuant to RCW 35A.47.040, the City is authorized to grant one or more non-exclusive franchises for the use of public streets, bridges or other public ways, structures or places above or below the surface of the ground for railroads and other routes and facilities for public conveyances, for poles, conduits, tunnels, towers and structures, pipes and wires and appurtenances thereof for transmission and distribution of electrical energy, signals and other methods of communication; and

WHEREAS, the City of Lynden has determined that Comcast of Washington IV, Inc. has substantially complied with the material terms of the current Franchise under applicable law; and

WHEREAS, The previous Franchise Agreement with Comcast of Washington IV, Inc. adopted by Ordinance 1165 in January 2003 has lapsed; and

WHEREAS, Comcast Cable Communications Management, LLC. has requested a new franchise with the City for the continued provision of Cable Services; and

WHEREAS, the financial, legal, and technical ability of Comcast Cable Communications Management, LLC. is reasonably sufficient to provide services, facilities, and equipment necessary to meet the future cable-related needs of the community; and

WHEREAS, the City of Lynden has afforded the public adequate notice and opportunity for comment, and now desires to enter into this Franchise with Comcast Cable Communications Management, LLC. for the construction and operation of a cable system on the terms set forth herein;

NOW, THEREFORE, the City Council of the City of Lynden does hereby ordain as follows

Section 1: Term. The City approves the Franchise Agreement (“Agreement”) attached hereto with Comcast Cable Communications Management, LLC., for a term of ten (10) years as provided for in the Agreement.

Section 2: Entire Franchise. The Agreement attached hereto as “Exhibit A” constitutes the entire understanding and agreement between the parties as to the subject matter herein and no other agreements or understandings or prior agreements

including prior agreements written or otherwise shall be binding upon the parties upon execution of this Agreement.

Section 3: Acceptance and Effective Date. Grantee shall accept the Franchise granted pursuant hereto by signing the ordinance granting the Franchise and filing same with the City Clerk or other appropriate official or agency of the Franchising Authority within sixty (60) days after the passage and final adoption of this ordinance. Subject to the acceptance by Grantee, the effective date of this ordinance shall be the fifth day after publication.

PASSED by the City Council this _____ day of _____, 2020 and signed by the Mayor this _____ day of _____ 2020.

MAYOR

ATTEST:

City Clerk Pam Brown

APPROVED AS TO FORM:

City Attorney Bob Carmichael