

CITY OF STANWOOD
Stanwood, Washington

ORDINANCE 1367

**AN ORDINANCE OF THE CITY OF STANWOOD AMENDING ORDINANCE 1199
AND EXTENDING THE DURATION OF THE CABLE TELEVISION FRANCHISE
HELD BY WAVEDIVISION I, LLC**

WHEREAS, pursuant to Ordinance No. 1199, the City Council acting on behalf of the City of Stanwood, Washington (the "City") adopted that certain Franchise Ordinance, approved on January 24, 2007, granting to WaveDivision I, LLC, dba Wave Broadband ("Wave") the authority to install, construct, operate and maintain a cable communications system within the City (the "Franchise"). The City and Wave acknowledge the Franchise incorrectly identified Wave as "Wave Division Holdings IV, LLC"; and

WHEREAS, the Franchise will expire on January 29, 2014; and

WHEREAS, the City and Wave have begun renewal negotiations and the parties continue to reserve all rights and do not waive any rights related thereto; and

WHEREAS, the City and Wave have been negotiating in good faith towards renewal of the Franchise but have not yet reached agreement; and

WHEREAS, the City and Wave believe that it is in their mutual interest, and in the public interest, to extend the term of the Franchise for an additional period of time so that negotiations can occur.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Stanwood as follows:

1. Extension of the Franchise Term. Ordinance 1199 is hereby amended to extend the term of the Franchise until the later of September 30, 2014, or such time that the Franchise is renewed in writing by mutual agreement of the parties.

2. Effective Date. Subject to written confirmation and acceptance of the provisions of this Ordinance by Wave on or before January 29, 2014, this Ordinance shall take effect on January 29, 2014.

3. No Other Amendments. Except as expressly amended by this Ordinance, all terms, conditions and provisions of the Franchise and Ordinance 1199 shall continue in full force and effect as set forth therein.

4. Invalid Provision. If any provision of this Ordinance is held to be illegal, invalid or unenforceable under present or future laws, such provision shall be fully severable. This Ordinance shall be construed and enforced as if such illegal or otherwise unenforceable provision had never comprised a part hereof. The remaining provisions of this Ordinance shall remain in full force and effect and shall not be affected. Furthermore, in lieu of such illegal, invalid or unenforceable provision there shall be added automatically as part of this Ordinance a legal, valid and enforceable provision as similar in terms and intent to such illegal, invalid or unenforceable provision as may be legally possible.

ADOPTED this 13th day of February, 2014.

CITY OF STANWOOD

By: Leonard Kelley
Leonard Kelley, Mayor

ATTEST:

By: Greg Thrasher
Greg Thrasher, City Clerk

Approved as to form:

By: Grant K. Weed
Grant K. Weed, City Attorney

Date of Publication: February 18, 2014

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ADOPTED this 23rd day of January, 2014.

CITY OF STANWOOD

By: Leonard Kelley
Leonard Kelley, Mayor

ATTEST:

By: Greg Thramer
Greg Thramer, City Clerk

Approved as to form:

By: Cheryl L. Beyer
Grant K. Weed, City Attorney

Date of Publication: January 26, 2014