## ORDINANCE NO. 2412

AN ORDINANCE OF THE CITY OF REDMOND. WASHINGTON GRANTING A NONEXCLUSIVE FRANCHISE VERIZON NORTHWEST INC. TO CONSTRUCT. MAINTAIN, OPERATE AND REPAIR A CABLE SYSTEM TO PROVIDE CABLE SERVICES IN, ACROSS, OVER, ALONG, UNDER, UPON, THROUGH AND BELOW THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF REDMOND; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Redmond (the "City") has negotiated a Franchise Agreement with Verizon Northwest Inc. ("Verizon"), granting Verizon a franchise, authority, right and privilege for a period of twelve (12) years to construct, maintain, operate and repair a cable system in the City, as set forth in the Franchise Agreement attached hereto, labeled Exhibit A and hereby incorporated by reference; and

WHEREAS, Verizon has requested that the City grant it a new franchise for the provision of cable television services within the City; and

WHEREAS, pursuant to RCW 35A.11.030 and 47 U.S.C. § 541(a)(1), the City has the power, among other things, to grant franchises; and

WHEREAS, the City has analyzed and considered the technical ability, financial condition, legal qualifications, and general character of Verizon, warrants that all other conditions resulting from the grant of this Franchise have been considered by the City, and has determined that it is in the best interest of the City and its residents to grant a cable Franchise to Verizon; and

WHEREAS, Verizon and the City have agreed to be bound by the conditions hereinafter set forth; NOW, THEREFORE.

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Franchise Granted. Pursuant to RCW 35A.47.040, the City of Redmond hereby grants a nonexclusive franchise to Verizon Northwest Inc. according to the terms and conditions set forth on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full. Subject to the provisions therein, the term of the franchise shall be for a period of twelve (12) years from the effective date of the franchise, as defined in Exhibit A, and shall grant Verizon the right, privilege and authority to construct, maintain, operate, and repair a cable system to provide cable services in, on, across, over, along, under, upon, through and below the public rights-of-way of the City of Redmond, all as provided in Exhibit A.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. Pursuant to RCW 35A.47.040, this ordinance has been passed at least five (5) days after its first introduction and by a majority of the whole membership of the City Council at a regular meeting. This Ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the Redmond City Council at a regular meeting of the City Council

this 2 day of September 2008.

APPROVED:

MAYOR JOHN MARCHIONE

ATTEST:

Muhillely. Un Celee CTY CLERK MICHELLE MCGEHEE, CMC

APPROVED AS TO FORM:

CITY ATTORNEY JAMES E. HANEY

FILED WITH THE CITY CLERK:

PASSED BY THE CITY COUNCIL:

PUBLISHED:

EFFECTIVE DATE:

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August 13, 2008

September 2, 2008

September 5, 2008

September 10, 2008