

02-14-96

03-07-96

03-20-96

04-02-96

04-04-96B

04-09-96B

23-O-96

AN ORDINANCE

Granting an Extension of Cable Franchise to
Continental Cablevision Acquisition of Northern Illinois, Inc.

WHEREAS, on September 1, 1981, pursuant to Ordinance 85-O-81, the City of Evanston granted to Cablevision of Chicago a non-exclusive franchise to own, operate, and maintain a cable communications system within the City of Evanston (the "Franchise"); and

WHEREAS, said Franchise is subject to the terms and conditions of a certain franchise agreement dated September 11, 1985; and

WHEREAS, said Franchise has been amended by Ordinance 121-O-85, dated November 4, 1985; and

WHEREAS, pursuant to Resolution 55-R-95, the City of Evanston consented to an Asset Purchase Agreement dated as of January 6, 1995, providing for the assignment of the Franchise to Continental Cablevision Acquisition of Northern Illinois, Inc. ("Continental Cablevision Acquisition's assumption of responsibility for all obligations that Cablevision of Chicago had under the Franchise; and

WHEREAS, the City of Evanston does not expect to be able to complete review of proposals submitted in response to RFP No. 95-118 prior to the expiration of the Franchise; and

WHEREAS, the City of Evanston has determined that Continental Cablevision Acquisition should be permitted to continue to own, operate, and maintain its cable communications system within the City of Evanston pursuant to the terms of the Franchise

and of Resolution 55-R-95 for an additional six months (unless superseded earlier by a new franchise) pending consideration of proposals submitted in response to RFP No. 95-118;

WHEREAS, the City of Evanston is a home rule unit within the meaning of the Illinois Constitution of 1970; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON:

SECTION 1: There is hereby granted to Continental Cablevision Acquisition an extension of the nonexclusive Franchise under which is currently operating within the City of Evanston.

SECTION 2: The Franchise extension herein granted shall be for a period of six (6) months through and including October 19, 1996, unless superseded earlier by a new Franchise.

SECTION 3: The Franchise extension herein granted shall be subject to the terms and conditions of the current Franchise (as amended) with the following exception. The City and Continental Cablevision agree that the obligations contained in Sections 30.2 of the Franchise Evanston Community Television Corporation "Payments an Equipment", 30.4 "Facilities", and 30.5 "Additional support" shall be temporarily suspended during the extension period. During such extension period, the City of Evanston and Continental Cable vision will continue to negotiate in good faith to develop a funding plan for PEG access that will not impact franchise fee payments to the City of Evanston.

Unless agreed otherwise as a result of those negotiations, the City of Evanston will agree to waive any right it may have to require refunds of cable rates for the temporary suspension period as a result of the temporary suspension of the obligations in Sections 30.2, 30.4, and 30.5. The City Manager of the City of Evanston is hereby authorized to

execute a franchise extension agreement on behalf of the City; Continental Cablevision Acquisition by its execution of said franchise extension agreement, shall be deemed to have accepted all the terms and conditions of the current Franchise (as amended); subject to the above franchise language suspension agreement regarding any outstanding rate issues as required by this ordinance; except that the City of Evanston and Continental Cablevision preserve their respective rights under the Federal Cable Act as amended and the rules of the Federal Communications Commission.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

Introduced: March 11, 1996

Adopted: April 9, 1996

Approved: April 12, 1996

Lorraine H. Morton
Mayor

ATTEST:
Kristen Davis
City Clerk

Approved as to form:
[Signature]
Corporation Counsel