

ORDINANCE NO. 119

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, GRANTING A FRANCHISE TO TCI CABLEVISION OF SEATTLE, INC., FOR OPERATION OF A CABLE COMMUNICATION SYSTEM IN THAT PORTION OF THE CITY OF SHORELINE ANNEXED THERETO BY CITY ORDINANCE NO. 113.

WHEREAS, the City of Shoreline, by Shoreline City Ordinance No. 113, annexed additional property as described therein as of February 25, 1997; and

WHEREAS, RCW 35.13.280 provides that any franchise or permit theretofore granted to any person, firm, or corporation by the state or county authorizing or otherwise permitting the operation of any public transportation, garbage collection and/or disposal, or other similar public service business or facility, is automatically canceled upon annexation by a city, but that upon annexation the City must grant such businesses a franchise or permit to continue such business within the City for a term of not less than five years; and

WHEREAS, TCI Cablevision has been granted a franchise by King County that has terms substantially different from the franchise under which TCI Cablevision has the authority to provide services to Shoreline; and

WHEREAS, the City has offered to grant TCI Cablevision a franchise in accord with King County franchise #12391 for the period of five (5) years as required by RCW 35.13.280, but that TCI Cablevision has declined the same; and

WHEREAS, the City of Shoreline and TCI Cablevision desire to consolidate the terms and conditions of the franchise agreement through which TCI Cablevision is granted the authority to operate in the City;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. TCI Cablevision of Washington, Inc., is granted a franchise to operate a cable communication system within the territory annexed by Shoreline City Ordinance No. 113, in accord with and under the terms and conditions as granted by Shoreline City Ordinance No. 55, as extended by Shoreline City Ordinance No. 67. This franchise shall expire upon the earliest of the negotiation and adoption by the City of Shoreline of a new franchise between the City of Shoreline and TCI Cablevision, or January 30, 1998, in accord with the terms of Shoreline City Ordinance No. 67.

Section 2. Directions to City Clerk. The City Clerk is hereby authorized and directed to forward a certified copy of this ordinance to the franchisee set forth in this ordinance. The

franchisee shall have 30 days from receipt of certified copy of this ordinance to accept in writing the terms of the franchise granted by this ordinance. Failure to accept this offered franchise within that timeframe shall result in the termination of the authority granted hereby.

Section 3. Official Bonds. The franchisee shall take all necessary steps to transfer any bonds, certificates of insurance, or other security currently held by, or for the benefit of, King County to the City of Shoreline within 30 days of receipt of the notification provided by **Section 2** hereof. The rights granted herein shall not be effective until such transfers are made.

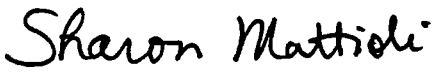
Section 4. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance shall take effect and be in full force **five** (5) days after the date of publication. The City Clerk is hereby directed to publish this ordinance in full.

PASSED BY THE CITY COUNCIL ON MARCH 24, 1997.

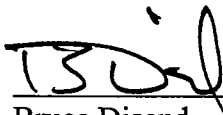

Mayor Connie King

ATTEST:



Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:



Bruce Disend
City Attorney

Date of Publication: March 28, 1997
Effective Date: April 2, 1997