

ORDINANCE NO. 18-2018-973

**AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, AMENDING CITY ORDINANCE NO. 10-886 AND THE CABLE TELEVISION FRANCHISE AGREEMENT, EXHIBIT "A" THERETO, APPROVING THE TRANSFER OF THE FRANCHISE FROM NORTHSTAR BROADBAND, LLC TO COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC; EXTENDING THE FRANCHISE FIVE ADDITIONAL YEARS; AND ESTABLISHING AN EFFECTIVE DATE.**

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**WHEREAS**, Northstar Broadband, LLC ("Northstar") provides cable services to customers in the City of Deer Park ("City") pursuant to the non-exclusive Cable Franchise Agreement between Northstar and the City as set forth in Exhibit "A" to City Ordinance No. 10-886 (the "Franchise Agreement"); and

**WHEREAS**, Northstar desires to transfer the Franchise Agreement to Comcast Cable Communications Management, LLC ("Comcast"); and

**WHEREAS**, Comcast has requested an extension of the Franchise Agreement and the City has determined that an extension of five (5) years is appropriate under the circumstances; and

**WHEREAS**, the City Council has determined that passage of this Ordinance and approval of the transfer and five year extension of the Franchise Agreement as set forth in Exhibit "1" to this Ordinance is in the best interest of the citizens of the City; NOW, THEREFORE,

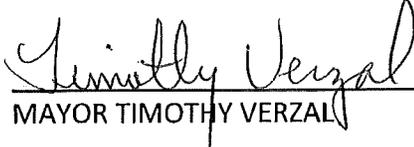
**THE CITY COUNCIL OF THE CITY OF DEER PARK, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1.** City Ordinance No. 10-886 and the Franchise Agreement, Exhibit "A" to said Ordinance, are hereby amended to authorize the transfer of the Franchise Agreement and extend the term of the Franchise Agreement for an additional five (5) years all as more

particularly set forth in Exhibit "1" to this Ordinance titled "Amendment No. 1 to Cable Television Franchise Agreement" which is made a part herein as if set forth in full.

**Section 2.** This Ordinance, including Exhibit "1", to this Ordinance shall take effect and be in full force five (5) days after this Ordinance or a summary thereof consisting of the title is published.

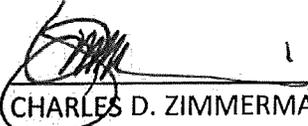
APPROVED:

  
\_\_\_\_\_  
MAYOR TIMOTHY VERZAL

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
DEBY CRAGUN, CITY CLERK

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

BY:   
\_\_\_\_\_  
CHARLES D. ZIMMERMAN

FILED WITH THE CITY CLERK	:	<u>1/30/18</u>
PASSED BY THE CITY COUNCIL	:	<u>2/7/18</u>
PUBLISHED	:	<u>2/9/18</u>
EFFECTIVE DATE	:	<u>2/16/18</u>
ORDINANCE NO.	:	<u>2018-973</u>





## AMENDMENT NO. 1 TO CABLE TELEVISION FRANCHISE AGREEMENT

The City of Deer Park, Washington, a Washington municipal corporation ("City") and Northstar Broadband, LLC, a Washington limited liability company ("Northstar"), and Comcast Cable Communications Management, LLC ("Comcast") enter into this Amendment No. 1 to the Cable Television Franchise Agreement ("Amendment No. 1"), that is Exhibit "A" to City Ordinance No. 10-886 (the "Franchise Agreement") as of the Effective Date of this Amendment No. 1.

### I. RECITALS

- 1.1 Northstar and Northstar's parent company, Compass Communications and Construction, Inc. ("Compass"), have entered into an agreement to transfer the assets of the Northstar cable system operated and maintained by Northstar in the City to Comcast as of January 11, 2018.
- 1.2 Northstar and Comcast now seek approval of the transfer of the Franchise Agreement and a five (5) year extension of the Term of the Franchise Agreement as set forth herein.
- 1.3 The City finds that granting the approval to transfer the Franchise Agreement and approval of the Northstar to Comcast transfer of assets agreement and an extension of the Franchise Agreement for a period of five (5) additional years will serve the cable-related needs and interests of the City taking into account the costs associated with the same.

Based upon the foregoing recitals, which are incorporated into the following Agreement as if set forth in full, the City, Northstar, and Comcast agree as follows:

### II. AGREEMENT

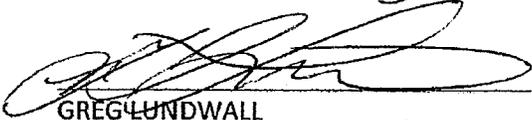
- 2.1 The transfer of the Franchise Agreement from Northstar to Comcast and approval of the asset purchase agreement between Northstar, Compass and Comcast, is hereby approved. As of the Effective Date of this Amendment No. 1, Comcast shall be the "Grantee" in the Franchise Agreement (Exhibit "A" to City Ordinance 10-886).
- 2.2 The Franchise Agreement term of ten (10) years from the Effective Date of the Franchise Agreement as set forth in Section 3 of the Franchise Agreement is hereby extended for an additional five (5) years so that the termination date of the Franchise Agreement, as extended, shall be April 14, 2025.
- 2.3 Comcast agrees to reimburse the City for the costs and attorneys' fees incurred by the City as a result of preparation of the Ordinance and Amendment No. 1, all as provided in Section 14 of the Franchise Agreement.
- 2.4 Except as specifically set forth in this Amendment No. 1, the Franchise Agreement shall remain in full force and effect and is ratified and approved by the City and Comcast.

- 2.5 The Effective Date of this Amendment No. 1 shall be the Effective Date of the Ordinance of the City approving this Amendment No. 1.
- 2.6 A fully signed copy of this Amendment No. 1 shall be considered the same as an original for all purposes.

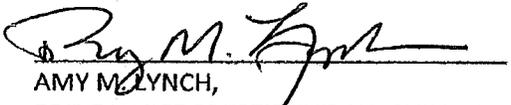
APPROVED BY the City Council of  
the City of Deer Park, Washington  
the 16 day of February, 2018.

  
MAYOR TIMOTHY VERZAL

APPROVED BY  
NORTHSTAR BROADBAND, LLC  
the 31 day of January, 2018.

  
GREG LUNDWALL  
AUTHORIZED SIGNING MEMBER

APPROVED BY  
COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC  
the 1 day of February, 2018.

  
AMY M. LYNCH,  
REGION VICE PRESIDENT, WASHINGTON REGION

SUMMARY OF ORDINANCE NO. 18-2018-973

of the City of Deer Park, Washington

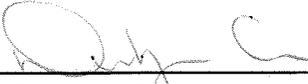
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On the 7<sup>TH</sup> day of February, the City Council of the City of Deer Park, Washington, passed Ordinance No 2018-973. A summary of the content of said ordinance, consisting of the title, provides as follows:

**AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, AMENDING CITY ORDINANCE NO. 10-886 AND THE CABLE TELEVISION FRANCHISE AGREEMENT, EXHIBIT "A" THERETO, APPROVING THE TRANSFER OF THE FRANCHISE FROM NORTHSTAR BROADBAND, LLC TO COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC; EXTENDING THE FRANCHISE FIVE ADDITIONAL YEARS; AND ESTABLISHING AN EFFECTIVE DATE.**

The full text of this Ordinance will be mailed upon request.

DATED this 8<sup>TH</sup> day of February, 2018.

  
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CITY CLERK-TREASURER, DEBY CRAGUN