

CITY OF COLUMBIA, ILLINOIS

ORDINANCE NO. 2547

**AN ORDINANCE GRANTING A NEW CABLE TELEVISION
FRANCHISE TO CHARTER COMMUNICATIONS
ENTERTAINMENT I, L.L.C. FOR A NEW TERM OF THREE
YEARS SUBJECT TO THE CONDITIONS HEREIN**

**Adopted by the
City Council
of the
City of Columbia, Illinois
this 16th day of April, 2007**

**Published in pamphlet form by
authority of the City Council
of the City of Columbia,
Illinois, this 17th day
of April, 2007.**

AN ORDINANCE GRANTING A NEW INTERIM CABLE
TELEVISION FRANCHISE TO CHARTER
COMMUNICATIONS ENTERTAINMENT I, L.L.C. FOR A
NEW TERM OF THREE YEARS SUBJECT TO THE
CONDITIONS HEREIN

APR 16 2007


City Clerk

WHEREAS, municipalities of the State of Illinois are authorized pursuant to Illinois statute (65 ILCS 5/11-42-11) to franchise cable television services; and

WHEREAS, the City enacted Ordinance No. 2528 authorizing an interim cable franchise to Charter Communications Entertainment I, L.L.C. ("Charter") and making legislative findings that are incorporated herein; and

WHEREAS, the approved interim franchise was not executed by Charter, but a revised cable services franchise has been negotiated with the City which Charter seeks to have approved by the City; and

WHEREAS, the City and Charter have entered into a separate settlement agreement relating to an ordinance violation suit filed by the City against Charter resolving unrelated disputes as described in such document;

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

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

Section 2. Pursuant to the provisions of the Communications and Cable Code of the City, the City Council has determined that it is reasonable and necessary to grant a Cable Franchise to Charter (the "Franchise"), a copy of which Franchise is on file in the office of the City Clerk of the City and available for public inspection, and which is incorporated herein by this reference, for a term of three (3) years, which franchise is hereby approved as to form.

Section 3. The cable franchise authorized and approved by this ordinance shall be effective upon being signed by the Mayor and attested by the City Clerk of the City, which shall occur upon, after and not until the occurrence of both of the following events, to wit:

(i) The duly authorized legal representatives of Charter executing and delivering to the City a minimum of four (4) duplicate original copies of the settlement agreement referred to in the preamble of this ordinance and remitting payment of the

settlement proceeds to the City due to be paid to the City under and pursuant to said settlement agreement; and,

(ii) Upon the execution by the duly authorized representatives of Charter of a minimum of four (4) duplicate original copies of the unconditional "Acceptance of City of Columbia Cable Television Franchise," and delivery of the same to the City of Columbia, Illinois City Clerk on or before April 30, 2007, which Acceptance shall be duly acknowledged before some officer authorized by law to administer oaths; and when so accepted shall constitute a binding and enforceable contract between the City and Charter; PROVIDED, however, that nothing in this Ordinance shall be deemed to authorize operation of cable services within the City prior to such Acceptance; and any operation in the rights-of-way of the City without a valid and binding franchise accepted by Charter shall be subject to such penalties and remedies as set forth in the Communications and Cable Code of the City and as otherwise permitted by law.

Section 4. A copy of the Franchise has been delivered to Charter not less than seven (7) days prior to this enactment.

Section 5. The City shall, and the officials, agents and employees of the City are hereby authorized and directed to, take such further actions and execute such other documents, certificates, and instruments as may be necessary to carry out and comply with the intent of this Ordinance. Notwithstanding anything contained in this Section of this Ordinance, the Mayor shall not execute and deliver the franchise, for and on behalf of the City, and the City Clerk shall not attest the same until the duplicate original copies of the franchise and settlement agreement have been signed and returned to the City Clerk by the legal representatives of Charter and the settlement proceeds due the City under the settlement agreement have been paid to the City by Charter.

Section 6. Due to the urgency of the enactment of this Ordinance to create a cable franchise for the operation of the cable TV plant, system, and facilities of Charter in the City's rights-of-way, this Ordinance shall be in full force and effect immediately on and after its passage and approval as provided by law and this Ordinance shall be published in pamphlet form as provided by law.

Council Member Conrad moved the adoption of the above and foregoing Ordinance; the motion was seconded by Council Member Ebersohl, and the roll call vote was as follows:

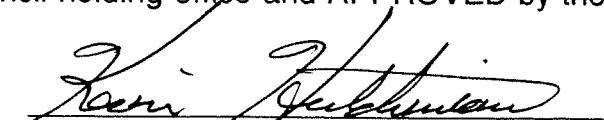
YEAS: Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Huch and Mayor Hutchinson.

NAYS: None.

ABSENT: Aldermen Koesterer and Row.

ABSTENTIONS: None.

PASSED by 2/3rd vote of the City Council holding office and APPROVED by the Mayor this 16th day of April, 2007.


KEVIN B. HUTCHINSON, Mayor

ATTEST:


WESLEY J. HOEFFKEN, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF PUBLICATION

I, Wesley J. Hoeffken, certify that I am the duly elected and acting Municipal Clerk of the City of Columbia, Illinois.

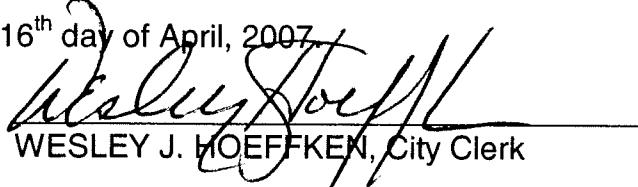
I further certify that on the 16th day of April, 2007, the Corporate Authorities of the City of Columbia, Illinois passed and approved Ordinance No. 2547, entitled:

**"AN ORDINANCE GRANTING A NEW INTERIM CABLE
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which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2547, including the ordinance and a cover sheet thereof, was prepared and a copy of such ordinance will be posted in the Columbia City Hall, commencing on the 17th day of April, 2007 and continuing for at least ten (10) days thereafter. Copies of such ordinance were also available for public inspection upon request at the office of the City Clerk.

DATED at Columbia, Illinois this 16th day of April, 2007.


WESLEY J. HOEFFKEN, City Clerk

(SEAL)