

## **ORDINANCE NO. 388**

### **AN ORDINANCE AGREEING TO TERMINATE AN EXISTING FRANCHISE PREVIOUSLY GRANTED TO BEACH CABLE, LLC.**

Be it ordained by City Council of the city of Beach, North Dakota:

#### **Section 1.**

That Beach Cable, LLC, was previously granted the right to use and occupy the streets, alleys and other public places of the city of Beach, North Dakota, for a term of fifteen (15) years from the effective date of October 17, 2016, for the purpose of constructing, maintaining and operating a cable television system within said city.

#### **Section 2.**

That Beach Cable, LLC seeks termination of the previously granted franchise, prior to its expiration on October 17, 2031. That the City of Beach seeks to agree with Beach Cable, LLC as to termination of the existing cable franchise, upon such terms and conditions are set forth hereafter.

#### **Section 3.**

That existing franchise that was granted to Beach Cable, LLC shall terminate, and be of no force or effect following December 31, 2019, except to the extent of the continuing obligations of Beach Cable, LLC, to retrieve its property and to reclaim City property, as more fully described below.

#### **Section 4.**

Beach Cable, LLC agrees that, no later than six months following the termination date of the franchise (the “Removal Date”), it will remove all of its property from the City’s streets, alleys and other public places that Beach Cable, LLC had previously operated in pursuant to the franchise agreement discussed herein, pursuant to a written plan, agreed to with the Beach Public Works Superintendent.

#### **Section 5.**

Any property remaining on City owned property after the Removal Date, may at the sole option of the City, become City property. If any property is left in place after the Removal Date, which the City does not wish to retain, it shall provide

notice to Beach Cable, LLC listing the description and location of the property to be removed. If Beach Cable, LLC fails to remove the property within thirty (30) days following notice, City shall have the property removed, and the removal costs assessed to Beach Cable, LLC.

Section 6.

In case of disturbance of any street, sidewalk, alleys public way, or paved area, Beach Cable, LLC shall, at its own cost and expense and in manner approved by the City Public Works Superintendent or Engineer, replace and restore such street, sidewalk, alley, public way, or paved areas in as good a condition as before the work involving such disturbance was done.

Section 7.

In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

CITY OF BEACH

(Seal)

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Mayor, City of Beach, North Dakota

ATTEST:

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Kimberly Gaugler, City Auditor

First Reading: October 21, 2019

Second Reading: November 4, 2019

Final Reading: November 4, 2019