

BILL NO. _____

ORDINANCE NO. 1034

An ordinance providing for and approving the transfer of the cable television franchise in the City of Horton, (the “City”) granted pursuant to Ordinance No. 789, dated November 22, 1976 (the “Franchise Ordinance”) as amended by Ordinance No. 973 dated October 2, 1995; Amending the Franchise Ordinance in certain respects; providing for publication of the caption; and providing the effective date of the transfer.

WHEREAS, by Franchise Ordinance, the City has granted to CLR Video, L.L.C., a Kansas Limited Liability Company, (“CLR”) the authority to operate a cable television system within the boundaries of the City; and

WHEREAS, CLR has requested that the City approve the proposed transfer and assignment of the Franchise Ordinance by CLR to Carson Communications, L.L.C. (“Carson Communications”) and the City is willing to consent to such transfer and assignment.

NOW, THEREFORE, BE IT ORDAINED BY THE FRANCHISING AUTHORITY OF THE City:

Section 1. Transfer of Franchise Ordinance. Pursuant to the Franchise Ordinance, the City hereby grants consent and approval for the transfer and assignment of the Franchise Ordinance by CLR to Carson Communications. The Mayor, Council President, or Presiding Officer of the City, or any person designed by the Mayor, Council President, or Presiding Officer are hereby authorized to execute the Consent to Assignment attached hereto as Annex 1.

Section 2. Ordinance Affirmed. All terms and provisions of the Franchise Ordinance shall continue in full force and effect. As set forth in the Consent to Assignment, the City consents to the grant by Carson Communications of a security interest in the Franchise Ordinance to its lenders to secure indebtedness or other obligations incurred by Carson Communications with respect to the cable television system to be operated by Carson Communications pursuant to the Franchise Ordinance.

Section 3. Effective Date. The transfer of the Franchise Ordinance shall be effective upon the closing transfer by CLR to Carson Communications of the cable television facilities serving the City of Horton. Carson Communications shall notify the City of the transfer of the Franchise Ordinance within thirty (30) days of such closing, and provide therewith a copy of the Assignment and Assumption of Franchise by which the Franchise Ordinance was transferred and assigned by CLR to Carson Communications.

Section 4. Inconsistency. In the event any of the terms and provisions of any other ordinance or regulation of the City are inconsistent with the terms and provisions of this Ordinance, the terms and provisions of the Ordinance shall govern control.

Section 5. Publication. The City Secretary/Clerk is hereby directed to publish the caption of this Ordinance in an official newspaper in the City and to comply otherwise with all applicable notice requirements of law.

Passed and approved on this the 30 day of July, 2001.

City of Horton

By: _____

Title: _____

ATTEST:

City Clerk