

RESOLUTION NO. 91-13

A RESOLUTION EXTENDING THE TERM OF A NONEXCLUSIVE CABLE TELEVISION FRANCHISE AGREEMENT WITH MEDIAONE, INC.

WHEREAS, the Village of Lombard (hereinafter the "Village") is a municipal corporation organized pursuant to Illinois law; and

WHEREAS, the Village President and Board of Trustees approved Resolution 87-98 ("Resolution Authorizing Approval Of President And Clerk On Agreement") dated March 5, 1998, which created the existing non-exclusive cable television franchise agreement between the Village and MediaOne, Inc. (the "Grantee") for purposes of the Grantee providing cable television to Village residents and paying a 5% franchise fee to the Village (the "Franchise Agreement"). The Franchise Agreement established by Resolution 87-98 terminated on March 5, 2013; and

WHEREAS, Comcast of Illinois VI, LLC is the successor-in-interest to Grantee ("Comcast") and has requested that the Village enter into a "Renewal Franchise Agreement;" and

WHEREAS, the Village and Comcast agree to extend the March 5, 2013 expiration date for the current Franchise Agreement thirty (30) days by resolution of the Village, to April 4, 2013, in order to provide adequate additional time to negotiate the terms and provisions of the Renewal Franchise Agreement; and

WHEREAS, the President and Board of Trustees, having discussed the negotiation of a Renewal Franchise Agreement with Comcast and find that the amendment of Village Resolution 87-98 as set forth below is in the best interests of the Village, its residents, property owners, business owners and the general public.

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: Each whereas paragraph set forth above is incorporated by reference into this Section 1.

SECTION 2: Section 1(A) of the Franchise Agreement attached to Resolution 87-98 is amended to read in its entirety as follows, with deletions struck through and additions underlined:

"The Village hereby grants to the Grantee a non-exclusive Franchise to construct, operate and maintain a Cable Television System within the public ways of the Village in accordance with the terms and conditions of this Agreement and the Ordinance. The Franchise shall become effective on the date of acceptance by the Grantee in compliance with this Agreement and with the Cable Ordinance, for a period of fifteen (15) years and thirty (30) days expiring on April 4, 2013~~March 5, 2013~~. "

SECTION 3: All resolutions, or parts of resolutions, in conflict with the provisions of this Resolution, to the extent of such conflict, are repealed.

SECTION 4: In the event that any section, clause, provision or part of this Resolution shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 5: Except as to the amendments set forth above in this Resolution, all provisions and sections of Resolution 87-98 and the Franchise Agreement, as amended, shall remain in full force and effect.

SECTION 6: This Resolution shall be in full force and effect after its adoption and approval as provided by law.

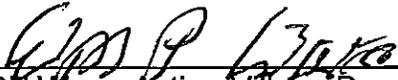
ADOPTED this 7th day of March, 2013 pursuant to a roll call vote as follows:

AYES: Trustees Gron, Giagnorio, Wilson, Breen, Fitzpatrick and Ware

NAYS: None

ABSENT: None

APPROVED by me this 7th day of March, 2013.



Bill Ware, Acting Village President

ATTEST:



Brigitte O'Brien, Village Clerk