

RESOLUTION NO. 1326

CONSENT TO ASSIGNMENT OF FRANCHISE GRANTED CALIFORNIA OREGON BROADCASTING, INC., DBA CRESTVIEW CABLE COMMUNICATIONS IN ORDINANCE NO. 1227

WHEREAS, California Oregon Broadcasting, Inc., dba Crestview Cable Communications (“Franchisee”) is the duly authorized holder of a franchise (the “Franchise”) issued by the City of Prineville, Oregon (the “City”), authorizing Franchisee to construct, operate, and maintain a cable service system (the “System”) in the City; and

WHEREAS, Franchisee and TDS Broadband Service LLC (“TDS”) entered into an Asset Purchase Agreement (the “APA”) pursuant to which TDS will acquire certain assets of the System (including the Franchisee’s Franchise); and

WHEREAS, Franchisee now seeks approval of the assignment of the assets of the System (including Franchisee’s Franchise) to TDS pursuant to the APA, and has filed a request with the City with respect thereto; and

WHEREAS, the City has considered and approved the qualifications of TDS to hold the Franchise; and

WHEREAS, This Resolution will be conditioned upon TDS’s agreement to be bound by the terms of City Ordinance 1227.

NOW, THEREFORE, THE CITY OF PRINEVILLE RESOLVES AS FOLLOWS:

1. The City hereby consents to and approves the assignment of the assets of the System (including the Franchisee’s Franchise) to TDS, subject to TDS executing an Assumption of Franchise Obligations in a form acceptable to City.
2. TDS may only assign, sell, dispose of, or transfer the Franchise or the Facilities (as defined in the Franchise) or transfer or permit transfer of controlling interest in the Assignee pursuant to the terms of City Ordinance 1227.
3. Subject to compliance with the terms of this Resolution, all City action necessary to approve the assignment and transfer of the assets of the System to TDS has been duly and validly taken.
4. This Resolution shall be deemed effective upon adoption and shall be conditioned upon the closing of the transaction transferring the franchise and receipt by City of the Assumption of Franchise Obligations executed by TDS.

Passed by the City Council this _____ day of September, 2017.

Betty J. Roppe, Mayor

ATTEST:

Lisa Morgan, City Recorder

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