

(Published In *The Iola Register*, September ___, 2015)

GENERAL ORDINANCE 3452

AN ORDINANCE GRANTING A FRANCHISE AS A VIDEO SERVICE PROVIDER TO COX COMMUNICATIONS UNDER THE KANSAS VIDEO ACT IN ACCORDANCE WITH KANSAS STATUTES AND LEVYING A FRANCHISE FEE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF IOLA, KANSAS:

SECTION 1. AGREEMENT PROVISIONS

1. Cox Communications is hereby granted a non-exclusive franchise agreement as a video service provider in accordance with Kansas Statutes Annotated 12-2021 through 12-2027, to operate within the City of Iola. This agreement continues the right to provide service started July 1, 2000 under Ordinance 3256. Cox Communications may be contacted by the City of Iola at the following number: (479) 717-3747. Cox agrees to update this contact information with the City of Iola within 15 calendar days in the event that such contact information changes.
2. Cox Communication acknowledges and agrees to comply with the City of Iola local right-of-way ordinance to the extent the ordinance is applicable to Cox and not contrary to state and federal laws and regulations. Cox hereby reserves the right to challenge the lawfulness or applicability of such ordinance to Cox.

SECTION 2. LIMITATIONS Cox hereby reserves the right to challenge the lawfulness or applicability of such ordinance to Cox. By entering into this agreement, neither the municipality's nor Cox present or future legal rights, positions, claims, assertions or arguments before any administrative agency or court of law are in any way prejudiced or waived. By entering into the agreement, neither the municipality nor Cox waive any rights, but instead expressly reserve any and all rights, remedies and arguments the municipality or Cox may have at law or equity, without limitation, to argue, assert and/or take any position as to the legality or appropriateness of any present or future laws, ordinances and/or rulings.

SECTION 3. FRANCHISE FEE The City of Iola levies a franchise fee of five percent of gross revenues as authorized by the Kansas legislature under K.S.A. 12-2024.

SECTION 4. TERM The term of this agreement begins July 1, 2015 for a term of five years and will continue in force past that term unless rescinded or revoked.

SECTION 5. PRIOR ORDINANCE All ordinances and parts of ordinances in conflict

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ORDINANCE NO. 3452 SUMMARY

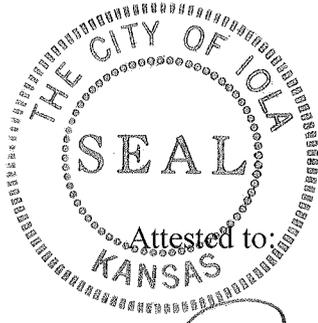
On September 28, 2015, the City of Iola, Kansas adopted Ordinance 3452, granting a franchise as a video service provider to Cox Communications under the Kansas Video Act in accordance with Kansas Statutes Annotated 12-2024 and levying a franchise fee of five percent. A complete copy of this ordinance is available at City Hall, 2 W. Jackson, Iola, Kansas or may be viewed on the City's website at www.cityofiola.com. This summary has been certified by Robert E. Johnson II, Iola city attorney.

herewith are hereby repealed as of the effective date of this ordinance.

SECTION 6. EFFECTIVE DATE: This Ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the Council and **SIGNED** by the Mayor this 28th day of September 2015.

CITY OF IOLA, KANSAS



By: *Donald E. Becker*
Joel Wicoff, Mayor
Donald E. Becker Council President

By: *Roxanne Hutton*
Roxanne Hutton, City Clerk