

**ORDINANCE NO. 2002 -1**

**ORDINANCE CONFIRMING RENEWAL AND EXTENSION OF A CABLE TELEVISION FRANCHISE AGREEMENT TO CONSTRUCT AND OPERATE A CABLE TELEVISION SYSTEM**

**WHEREAS**, the Town of Ulen ("Town") adopted an ordinance granting a franchise for a cable television system to TCI of Indiana, Inc. by an Ordinance dated October 30, 1987 ("Franchise"), to construct and operate a cable television system within the Town; and

**WHEREAS**, the Town adopted Resolution No. 98-1 on June 11, 1998, authorizing the transfer of the rights and interest in the cable system serving the Franchise to Insight Communications of Indiana, LLC ("Insight Indiana"); and

**WHEREAS**, Insight Indiana changed its name in December 2000 to Insight Communications Midwest, LLC ("Insight Midwest"); and

**WHEREAS**, the Franchise will expire on October 29, 2002; and

**WHEREAS**, the Town finds that the continued development of broadband communications has the potential of having great benefit and impact upon the citizens of the Town; and further finds that the public convenience, safety, and general welfare can best be served by exercising the regulatory powers vested in the Town by applicable federal and state law.

**NOW THEREFORE, BE IT RESOLVED**, by the Town of Ulen, Indiana as follows:

1. The term of the Franchise is hereby renewed, amended, and thereby extended by fifteen (15) years to expire on October 29, 2017 ("Expiration Date").
2. Section 10 of the Franchise shall be hereby amended to provide that the amounts of insurance against liability due to physical damage to property shall be not less than Five Hundred Thousand Dollars (\$500,000.00) as to any one claim and not less than One Million Dollars (\$1,000,000.00) aggregate in any single policy year; and against liability due to bodily injury or to death of persons, not less than One Million Dollars (\$1,000,000.00) as to any one person, and not less than Two Million Dollars (\$2,000,000.00) as to all such claims arising from any one accident. Such insurance policies shall specifically provide that the Town shall be named as an additional insured. A certificate of insurance evidencing Insight Midwest's carriage of the required policies shall be provided to and kept on file by the Town Clerk.
3. In the event that, during the term of the Franchise, the Federal Communications Commission ("FCC") increases the maximum amount of Franchise Fees that may be payable to the Town, the Town reserves the right to increase the amount of such Franchise Fees in accordance with FCC regulations, as amended, upon providing Insight Midwest with sixty (60) days prior written notice of its intention to do so.
4. All other terms, conditions, provisions, and requirements of the Franchise shall remain in full force and effect until the Expiration Date.
5. This Ordinance Amendment shall be effective upon its passage.

THE FOREGOING ORDINANCE was duly passed at a meeting of the Board of Commissioners for the Town of Ulen, Indiana, held on the 24th day of September, 2002.

**Town Board**

~~Board of Commissioners~~  
Town of Ulen, Indiana

Insight Communications Midwest, LLC

By: St S Lewis

By: David Summs

ATTEST:

ATTEST:

Steven A Million  
Town Clerk Steven A Million

Deborah S. Nuckols  
DEBORAH S. NUCKOLS