

MAR 07 2011

*J. Ronald Colyer*  
City Clerk

**ORDINANCE NO. 2854**

**AN ORDINANCE AUTHORIZING THE CITY OF COLUMBIA,  
ILLINOIS, TO ENTER INTO A SETTLEMENT AND RELEASE  
AGREEMENT WITH CHARTER COMMUNICATIONS  
ENTERTAINMENT I, LLC, d/b/a CHARTER  
COMMUNICATIONS**

**WHEREAS**, the City of Columbia, Illinois (the "City") and Charter Communications Entertainment I, LLC d/b/a Charter Communications ("Charter") have negotiated a new franchise agreement for Charter to operate a cable franchise in the City (the "Franchise Agreement"), pursuant to Section 626 of the Cable Act [47 U.S.C. § 546]; and

**WHEREAS**, pursuant to Franchise Agreement negotiations, a dispute exists between the parties regarding certain financial payments made, or to be made, by Charter to the City under the existing and interim Franchise Agreements; and

**WHEREAS**, Charter and the City desire to resolve this dispute between the parties.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF COLUMBIA, ILLINOIS AS FOLLOWS:**

**SECTION 1.** The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

**SECTION 2.** The City Council of the City of Columbia, Illinois, does hereby authorize and direct the Mayor to execute and deliver the Settlement and Release Agreement of even date herewith, a copy of which is on file in the office of the City's City Clerk, to resolve the dispute described in the preamble above, which Settlement and Release Agreement is hereby approved as to form, in as many counterparts as the Mayor shall determine, and the City Clerk is hereby authorized and directed to attest the same and affix thereto the corporate seal of the City.

**SECTION 3.** Due to the urgency of the enactment of this Ordinance in order to allow for the Franchise Agreement to take effect prior to the expiration of the current Interim Franchise granted by the City to Charter, this Ordinance shall be in full force and effect immediately on and after its passage and approval as provided by law.

Alderman Roessler moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Ebersohl, and the roll call vote was as follows:

YEAS: Aldermen Ebersohl, Agne, Niemietz, Row, Hejna, Oberfell, Stumpf and Roessler and Mayor Hutchinson

NAYS: None

ABSENT: None

ABSTENTIONS: None

PASSED by 2/3rds vote of the City Council holding office and APPROVED by the Mayor this 7<sup>th</sup> day of March, 2011.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



J. RONALD COLYER, City Clerk

(SEAL)