

ORDINANCE 149

An ordinance providing for and approving the transfer of the cable television franchise in the City of Lamberton, Minnesota, (the "City") granted pursuant to Ordinance #140 dated December 24, 2002 (the "Franchise Ordinance"); amending the Franchise Ordinance in certain respects; providing for publication of the caption; and providing the effective date of the transfer.

WHEREAS, by the Franchise Ordinance, the City had granted to Lamberton Cable TV, ("Lamberton TV"), the authority to operate a cable television system within the boundaries of the City; and

WHEREAS, subsequent to the City's grant to Lamberton TV to operate a cable television system within the boundaries of the City, Lamberton TV requested, and the City approved, a transfer and assignment of the Franchise Ordinance by Lamberton TV to M-Tek Systems, Inc., ("M-Tek"); and

WHEREAS, M-Tek has requested that the City approve the proposed transfer and assignment of the Franchise Ordinance by M-Tek to Fort Randall Cable Systems, Inc., a South Dakota corporation ("Fort Randall"), and the City is willing to consent to such transfer and assignment.

NOW, THEREFORE, BE IT ORDAINED BY THE FRANCHISE AUTHORITY OF THE CITY:

Section 1. Transfer of Franchise Ordinance. Pursuant to the Franchise Ordinance, consent and approval is hereby granted by the City for the transfer and assignment of the Franchise Ordinance by M-Tek to Fort Randall. The Mayor or Presiding Officer of the City, or any person designated by the Mayor or Presiding Officer are hereby authorized to execute the Consent to Assignment attached hereto as Annex 1.

Section 2. Ordinance Affirmed. All terms and provisions of the Franchise Ordinance shall continue in full force and effect. As set forth in the Consent to Assignment, the City consents to the grant by Fort Randall of a security interest in the Franchise Ordinance to its lenders to secure indebtedness or other obligations incurred by Fort Randall with respect to the cable television system to be operated by Fort Randall pursuant to the Franchise Ordinance.

Section 3. Effective Date. The transfer of the Franchise Ordinance shall be effective upon the closing of the sale by M-Tek to Fort Randall of the cable television facilities serving the City of Lamberton. Fort Randall shall notify the City of the transfer of the Franchise Ordinance within thirty (30) days of such closing, and provide therewith a copy of the Assignment and Assumption of Franchise by which the Franchise Ordinance was transferred and assigned by M-Tek to Fort Randall.

Section 4. Inconsistency. In the event any of the terms and provisions of any other ordinance or regulation of the City are inconsistent with the terms and provisions of this Ordinance, the terms and provisions of this Ordinance shall govern and control.

Section 5. Publication. The City Clerk is hereby directed to publish the caption of this Ordinance in an official newspaper in the City and to comply otherwise with all applicable notice requirements of law.

Passed and approved on this the 15th day of December, 2009.

City of Lambertton

By: Lee Nelson

Title: Mayor

ATTEST:

Steven Flay
City Clerk