

RESOLUTION NO. 02 – 2019

RESOLUTION OF THE TOWN OF IGNACIO APPROVING THE TRANSFER OF CABLE TELEVISION LICENSE FROM CAP CABLE TO ZITO WEST HOLDING LLC AND THE EXTENSION OF EXPIRATION DATE

WHEREAS, the Town of Ignacio, Colorado, previously passed and adopted License Agreement (“License”) dated January 28, 1987, as assigned and amended by Amendment to License Agreement on March 9, 1999, which granted to Microwave Distribution Services, Inc., a Colorado Corporation d/b/a Rural Route Video the right to a License to install, operate and maintain a cable television system with data transmission service in Ignacio, Colorado; and

WHEREAS, Microwave Distribution Services, Inc. d/b/a Rural Route Video and CAP Cable, LLC (d/b/a USA Communications) entered into an Asset Purchase Agreement whereby CAP Cable, LLC (“CAP Cable”) was acquiring all or substantially all of Rural Route Video’s assets used in the operation of its cable system in the Town; and

WHEREAS, Rural Route Video requested in writing that the Town consent to the transfer of the License, as amended, to CAP Cable, and to change the License expiration date thereof to extend for an additional five (5) year term, immediately following the expiration of the current term, and

WHEREAS, the Town of Ignacio approved Resolution 04-2014 on March 20, 2014, officially transferring the License, as amended, to CAP Cable and extending the expiration to June 20, 2019; and

WHEREAS, CAP Cable has requested in writing that the Town consent to the transfer of the License, as amended, to Zito West Holdings, LLC (“Zito”) and to extend the expiration date for an additional five (5) year term, immediately following the expiration of the current term; and

WHEREAS, Zito has represented that they have the financial, technical and legal ability to fulfill the terms of the License, as amended, and will serve the public interest.

NOW, THEREFORE, be it resolved by the Town of Ignacio that subject to CAP Cable and Zito West Holding, LLC closing the underlying sale of the cable and data transmission service system in the Town, the Town hereby consents to the assignment and transfer of the License, as amended, from CAP Cable to Zito West Holding, LLC and hereby approves the change of expiration date to June 20, 2024. The transfer and extension of term is subject to Zito agreeing in writing to assume all obligations in the License Agreement, as amended, and to perform all duties and obligations previously required by Cap Cable. Nothing in this Resolution constitutes any waiver of any rights by the Town to approve any subsequent transfer, assignment or sale of the License.

Passed and approved this _____ day of _____, 2019.

(SEAL)

ATTEST:

BY: _____
Stella Cox, Mayor

By: _____
Tuggy Dunton, Town Clerk