

- 1 3. The term of the franchise shall initially be from the date of the passage of this ordinance, and the
2 statutory time frame for the effective date of franchises, until December 31, 2018, with the
3 understanding that the franchise shall automatically renew for one year periods from January 1st
4 to December 31st, unless written notice is given by the City, the franchisee, or the adjacent
5 property owner within forty-five (45) days of the end of a calendar year of the intent not to renew
6 the franchise;
- 7 4. The franchise shall not run with the land and, shall not be automatically assumed by any
8 subsequent purchaser or lessor of the property to be known as Soul Fish Cafe as identified on the
9 effective date of this ordinance;
- 10 5. Any necessary expense involved with utility relocation shall be borne by the franchisee or the
11 adjacent property owner with no recourse against the City or any utility should utility relocation
12 be required for a public purpose;
- 13 6. At any time that the franchise ends, including if the City determines it is necessary to end this
14 franchise for any public purpose, or because of any change in Federal, State, county, or local,
15 law, regulations, ordinances, or requirements of any kind, the franchise shall cease and all
16 improvements shall be removed, and all necessary repairs to the right-of-way made, at the
17 expense of the franchisee or the adjacent property owner as quickly as possible after notice, but
18 in no event more than thirty (30) days after such notice unless otherwise expressly agreed to in
19 writing by the City.

20 **Section 3. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase or word
21 of this ordinance is declared or adjudged to be invalid or unconstitutional such declaration or adjudication
22 shall not affect the remaining portions of the ordinance which shall remain in full force and effect.as if the
23 portion so declared or adjudged invalid or unconstitutional were not originally a part of the ordinance.

24 **Section 4. Repealer.** All laws, ordinances, resolutions, and parts of the same that are inconsistent with
25 the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

26 **PASSED: July 19, 2016**

27 **ATTEST:**

APPROVED:

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29 _____
30 **Susan Langley, City Clerk**

_____ **Mark Stodola, Mayor**

31 **APPROVED AS TO LEGAL FORM:**

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34 **Thomas M. Carpenter, City Attorney**

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