

RESOLUTION NO. 24-07

A RESOLUTION BY THE COMMON COUNCIL OF THE CITY OF BOX ELDER APPROVING A NONEXCLUSIVE AREA CABLE COMMUNICATIONS FRANCHISE BY THE CITY OF BOX ELDER TO CLARITY TELECOM, LLC D/B/A BLUEPEAK (FRANCHISEE) FOR A PERIOD OF FIFTEEN (15) YEARS REGULATING THE SAME, AND PROVIDING COMPENSATION TO THE CITY

WHEREAS, the City of Box Elder has adopted Ordinance #480 regulating cable communications franchises within the City of Box Elder; and

WHEREAS, Ordinance #480 of the City of Box Elder, Pennington County, South Dakota, limits the period for cable franchises to fifteen (15) years; and

WHEREAS, Franchisee has requested a nonexclusive cable communications franchise for the following service areal legally described below and in the attached Exhibit A;

All of Section 27 lying south of the southern boundary of the right-of-way of Interstate 90 and the N 1/2 NE 1/4 of Section 34, T2N, R9E, B.H.M., and Tract H of the SW 1/4 NW 1/4 and NW 1/4 SW 3/4 of Section 27, T2N, R8E, B.H.M. (Flying J Property), City of Box Elder, Pennington County, South Dakota.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BOX ELDER that franchisee is hereby granted a nonexclusive cable communications franchise for the incorporated City Limits area within the City of Box Elder; and

BE IT FURTHER RESOLVED, that said franchise is granted for a period of fifteen (15) years, and shall be construed and governed by Ordinance #480 of the City of Box Elder inclusive of the payment of compensation to the City as set forth therein.

PASSED, APPROVED AND ADOPTED this 5<sup>th</sup> day of March, 2024.

*Larry Larson*  
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Larry Larson, Mayor

ATTEST:

*Nicole Schneider*  
\_\_\_\_\_  
Nicole Schneider, Chief Financial Officer, City Administrator

(SEAL)

Adopted: 3/5/2024  
Published: 3/14/2024  
Effective: 4/3/2024



**EXHIBIT A**

**BOUNDARY AND LEGAL DESCRIPTION OF THE FRANCHISE SERVICE  
AREA WITHIN THE CITY OF BOX ELDER FOR KNOLOGY, INC.**

Service Area Legal Description: Within T2N, R9E, B.H.M., City of Box Elder, Pennington County, South Dakota, all of Section 27 lying south of the southern boundary of the right-of-way of Interstate 90 and the N $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 34, and Tract H of the SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  and NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 27, T2N, R9E, B. H. M. (Flying J Property)

