

ORDINANCE NO. 105

AN ORDINANCE TO AMEND ORDINANCE NO. 70, THE CABLE TV ORDINANCE, ENCAPTIONED AS HEREINBELOW SET FORTH, SO AS TO AMEND AN ORDINANCE OF THE CITY OF LOOKOUT MOUNTAIN, GEORGIA TO AUTHORIZE AND APPROVE THE SALE, TRANSFER AND ASSIGNMENT OF THIS FRANCHISE TO TELEScripps CABLE COMPANY, A GENERAL PARTNERSHIP HAVING EWS CABLE, INC. AND L-R CABLE, INC., WHOLLY OWNED SUBSIDIARIES OF THE E. W. SCRIPPS COMPANY, AND SCRIPTEL, INC., A THIRD TIER WHOLLY OWNED SUBSIDIARY OF TELE-COMMUNICATIONS, INC. AS ITS SOLE PARTNERS, TO CHANGE THE NAME OF THE GRANTEE FROM CHATTANOOGA CABLE TV COMPANY TO TELEScripps CABLE COMPANY AND TO PROVIDE FOR ACCEPTANCES.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOOKOUT MOUNTAIN, GEORGIA, that Ordinance No. 70, as amended by Ordinance No. 80, Ordinance No. 82 and Ordinance No. 89 encaptioned:

AN ORDINANCE OF THE CITY OF LOOKOUT MOUNTAIN, GEORGIA, GRANTING TO CHATTANOOGA CABLE TV COMPANY, ITS SUCCESSORS, LESSEES AND ASSIGNS, A FRANCHISE FOR THE TERM OF FIFTEEN (15) YEARS, THE RIGHT, AUTHORITY, POWER, PRIVILEGE AND PERMISSION TO ESTABLISH, CONSTRUCT, ACQUIRE, MAINTAIN AND OPERATE A CLOSED CIRCUIT ELECTRONIC SIGNAL TRANSMISSION SYSTEM WITHIN THE CITY OF LOOKOUT MOUNTAIN AND TO RENDER, FURNISH AND SELL CLOSED CIRCUIT SIGNAL TRANSMISSION SERVICE WITHIN THE CITY OF LOOKOUT MOUNTAIN AND TO USE AND OCCUPY THE STREET AND OTHER PUBLIC WAYS AND PLACES OF THE CITY OF LOOKOUT MOUNTAIN FOR SUCH CLOSED CIRCUIT SIGNAL TRANSMISSION SYSTEM, AND PROVIDING FOR PAYMENT TO THE CITY OF LOOKOUT MOUNTAIN, BASED ON GROSS RECEIPTS DERIVED BY THE GRANTEE FOR FURNISHING CLOSED CIRCUIT ELECTRONIC SIGNAL TRANSMISSION SERVICE.

SO AS TO AMEND, RESTATE OR MODIFY THE ORDINANCE TO ALLOW THE GRANTEE ADDITIONAL TIME TO COMMENCE CONSTRUCTION WITHIN THE CITY.

SO AS TO AMEND, RESTATE OR MODIFY THE ORDINANCE TO ALLOW THE GRANTEE ADDITIONAL TIME TO COMMENCE CONSTRUCTION WITHIN THE CITY; TO PROVIDE FOR A PERFORMANCE BOND; AND TO AMEND THE RATES.

SO AS TO AMEND, RESTATE OR MODIFY THE ORDINANCE TO INCLUDE NEW SECTIONS 35 AND 36 RELATING TO THE TRANSFER OF FRANCHISE AND TRANSACTIONS AFFECTING OWNERSHIP OF FACILITIES.

be and is hereby amended in accordance with Section 35 of Ordinance No. 70 as amended by Ordinance No. 89 so as to authorize and approve the sale, transfer and assignment of this franchise to TeleScripps Cable Company, a general partnership having EWS Cable, Inc. and L-R Cable, Inc., wholly owned subsidiaries of The E. W. Scripps Company, and Scriptel, Inc., a third tier wholly owned subsidiary of Tele-Communications, Inc. as its sole partners.

SECTION 2. Be it further ordained that Ordinance No. 70 as amended and as above entitled be and it is hereby amended by deleting the words "Chattanooga Cable TV Company" which appear in Section 2(e) thereof and substituting in lieu thereof the words "TeleScripps Cable Company, a general partnership having EWS Cable, Inc. and L-R Cable, Inc., wholly owned subsidiaries of The E. W. Scripps Company, and Scriptel, Inc., a third tier wholly owned subsidiary of Tele-Communications, Inc. as its sole partners."

SECTION 3. Be it further ordained that the transfer of this franchise and the change of the name of the grantee shall take effect provided that within 120 days after the date of passage of this Ordinance Chattanooga Cable TV Company shall file with the City Council its consent to the transfer and the unconditional acceptance of this franchise by TeleScripps Cable Company together with the promise of TeleScripps Cable Company to comply with and abide by all of its provisions, terms, and conditions.

SECTION 4. It is the intention of the Council of the City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City and the Sections of this Ordinance may be renumbered to accomplish such intention.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6. All other ordinances or parts thereof heretofore enacted by the City in conflict herewith are hereby repealed.

SECTION 7. This Ordinance shall be effective ten (10) days after its adoption and approval by at least three (3) members of the Council of the City after two (2) readings at least one (1) week apart.

APPROVED on first reading on July 21, 1983.

Sam W. Hamid
Member of City Council

Hay W. ...
Member of City Council

Alta C. ...
Member of City Council

Reginald W. ...
Member of City Council

Member of City Council

R. A. Mc ...
Mayor of Lookout Mountain,
Georgia

ATTEST:

Carolyn J. Brooks
City Clerk

(SEAL)

APPROVED and adopted on second reading on August 18, 1983.

Hay W. ...
Member of City Council

Reginald W. ...
Member of City Council

Alta C. ...
Member of City Council

Member of City Council

Member of City Council

R. A. Mc ...
Mayor of Lookout Mountain,
Georgia

ATTEST:

Carolyn J. Brooks
City Clerk

(SEAL)
5/165/E