

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 89

AN ORDINANCE to Amend Ordinance No. 70 Entitled:

AN ORDINANCE OF THE CITY OF LOOKOUT MOUNTAIN, GEORGIA, GRANTING TO CHATTANOOGA CABLE TV COMPANY, ITS SUCCESSORS, LESSORS 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 further 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 IT ORDAINED by the City Council of the City of Lookout Mountain, Georgia, and IT IS HEREBY ORDAINED:

Section 1. The following new Section 35 shall be added to Ordinance No. 70:

SECTION 35. Transfer of Franchise. The Grantee shall not transfer this Franchise to another person without prior approval of the City by ordinance.

A mortgage, lien, deed to secure debt, deed of trust, security interest, or other encumbrance of said Franchise as a part of acquiring, constructing, equipping or maintaining the CATV System shall not be considered a violation of this Section; any such creditor shall be entitled to all the rights and remedies granted to the same in any documents relating to any such transaction, including without limitation, upon a bona fide default of the Grantee, the right to foreclose upon the security referred to in any such document or to receive a voluntary conveyance of the security and thereafter to sell or otherwise dispose of the security referred to in any such document without the consent or approval of the City. Any subsequent transferee of the security shall be entitled to all of the benefits of this Ordinance No. 70 and shall likewise be subject to all of the limitations and obligations imposed by this Ordinance No. 70.

Section 2. The following new Section 36 shall be added to Ordinance No. 70:

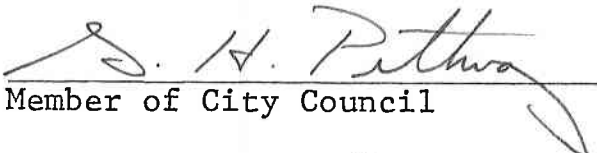
SECTION 36. Transactions Affecting Ownership of Facilities.


(a) In order that the City may be aware of the financial transactions affecting the ownership of the system, the Grantee shall notify the City of the execution by it of any security agreement concerning any of the facilities and property, real or personal, of the Grantee located in the City.

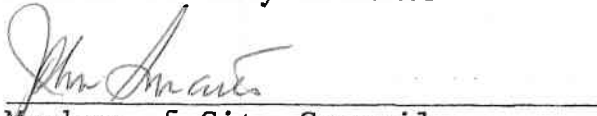
(b) Except as provided for in Section 35 and in subsection (a) of this Section 36, the Grantee shall at all times be the full and complete owner of all facilities and property, real and personal, of the CATV business.

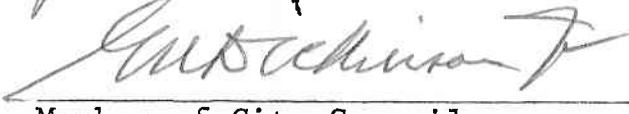
Section 3. This ordinance shall become effective on May 26, 1980, provided that prior to that date it shall have been approved and adopted by at least three members of the Council of the City after two readings at least one week apart.

Approved on first reading on April 17, 1980.

  
Member of City Council

  
Member of City Council

  
Member of City Council

  
Member of City Council

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Member of City Council

  
Mayor of Lookout Mountain, Georgia

Approved on second reading on May 15<sup>th</sup>, 1980.

*S. H. Peltier*

Member of City Council

*Sam N. Hamblin*

Member of City Council

*John M. ...*

Member of City Council

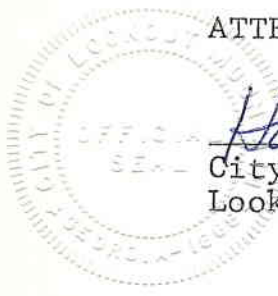
*Ralph ...*

Member of City Council

\_\_\_\_\_  
Member of City Council

*James ...*  
Mayor of Lookout Mountain, Georgia

ATTEST:



*Hay ...*  
City Clerk of the City of  
Lookout Mountain, Georgia