

ORDINANCE NO. 98-21

AN ORDINANCE GRANTING A CABLE COMMUNICATIONS SYSTEM EXTENSION PERMIT TO WESTMARC COMMUNICATIONS OF MINNESOTA, INC., D/B/A TCI OF CENTRAL MINNESOTA ("Company").

WHEREAS, the City of Alexandria, Minnesota ("City") has granted a Franchise to the Company to provide cable services to the residents within the City, and

WHEREAS, the Company has offered to extend cable service to certain residents of the Township of Alexandria ("Township") which are not within the boundaries of its core service unit, and

WHEREAS, Minnesota Statutes, Chapter 238.17 allows a cable communications system to extend or provide service outside of the boundaries of a core service unit if the cable communications system obtains an extension permit issued by the municipality having jurisdiction over the extension area ("Extension Permit"), and

WHEREAS, the Township has considered this Extension Permit at a regular meeting of the governing body and has afforded the public reasonable notice and reasonable opportunity to be heard and the process has, in all respects, complied with applicable law,

NOW, THEREFORE, THE TOWNSHIP BOARD OF THE TOWNSHIP OF ALEXANDRIA HEREBY ORDAINS:

Section 1. Grant of Authority.

In consideration of the faithful performance and observance of the conditions and reservations hereinafter specified, a non-exclusive Extension Permit is hereby granted to the Company, its successors and assigns, to erect, maintain and operate a cable communications system, and additions thereto, in, under, over, along, across and upon the streets, lanes, avenues, sidewalks, alleys, bridges and other public places in the Township, and subsequent additions thereto for the purpose of transmission and distribution of cable services in accordance with applicable federal, state and local laws, rules and regulations.

Section 2. Subscriber Rates.

A list of current subscriber rates and charges is attached and included as part of this Extension Permit. Changes in these rates shall be filed by the Company with the Township. Further, the Company shall provide written notice to the subscribers of any increase or modification in subscriber rates and charges thirty (30) days prior to the effective date thereof.

Section 3. Stipulation.

The Company and the Township herein agree, to the extent applicable, to abide by the following terms of Cable Television Franchise Agreement ("Cable Franchise") approved on September 22, 1986, and granted by the City of Alexandria, Minnesota, to the Company:

1. System wide channel capacity;
2. Access channel;
3. Equipment for production and reproduction or playback of programming;
4. Two-way communications capability;
5. Standards for system installation, maintenance, and operation;
6. Indemnification of the Township;
7. Liability insurance;
8. Abandonment of service;
9. Removal of equipment;
10. Termination or cancellation of the franchise;
11. Violation;
12. Franchise fees.

The Company and the Township herein agree that any provision of the Cable Franchise that is specifically excluded or not specifically incorporated herein shall be deemed to be inapplicable for the purpose of this Extension Permit.

Section 4. Severability.

Any provision of this Extension Permit which is prohibited or unenforceable as determined by a court or governmental agency of competent jurisdiction, shall be ineffective only to the extent of such prohibition or unenforceability without invalidating or making unenforceable the remaining provisions hereof.

Section 5. Effective Date.

This Extension Permit shall take effect and be in full force from and after its passage.

Section 6. Expiration Date.

The expiration date of this Extension Permit shall be consistent with that of the Cable Franchise, provided that a change in the expiration date of the Cable Franchise, by way of either renewal or amendment of the Cable Franchise, granted by said Franchise Agreement, shall automatically apply to this Extension Permit, unless the Township elects otherwise. Company shall notify Township of such changes in the expiration date of the Cable Franchise.