

ORDINANCE NO. 59-91

By: John H. Offenberg

An Ordinance to amend the franchise awarded to American Television and Communications Corporation dba All American Cablevision by Substitute Ordinance No. 10-91 to extend the period specified in Section 29 thereof for acceptance of the franchise until October 31, 1991 and to declare an emergency.

WHEREAS, Section 29 of Substitute Ordinance No. 10-91 required American Television and Communications Corporation dba All American Cablevision (the "Company") to accept the franchise granted thereby by filing a written acceptance with the City Council within 30 days after the date of passage of Substitute Ordinance No. 10-91; and

WHEREAS, the Company inadvertently failed to file such notice within the time specified; and

WHEREAS, the City wishes to grant said franchise to the Company on the terms set forth in Substitute Ordinance No. 10-91, and the Company wishes to accept the franchise on such terms; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1: That Section 29 of Substitute Ordinance No. 10-91 is hereby amended in its entirety to read as follows:

SECTION 29

DURATION AND ACCEPTANCE OF THIS ORDINANCE

- A. This Ordinance and the rights, privileges and authority hereby granted shall take effect and be in force from and after final passage and publication hereof, as provided by law, and any franchise permitted or operated hereunder shall continue in full force and effect for the term specified in Section 3 hereof provided that on or before October 31, 1991 the Company shall file with the City Council its unconditional acceptance of the franchise and promise to comply with and abide by all of its provisions, terms and conditions. Such acceptance and promise shall be in writing duly executed and sworn to, by the appropriate officials of the Company before a notary public or other officer authorized by law to administer oaths.
- B. Should the Company fail to comply with Subsection (A) above, it shall acquire no rights, privileges or authority under this Ordinance whatsoever.

Section 2: That as amended by Section 1, Substitute Ordinance No. 10-91 is hereby ratified, confirmed and adopted by the City, and acceptance of the franchise granted thereby shall be effective upon filing with City Council of the Company's acceptance on or before October 31, 1991.

Section 3: That this Ordinance is an emergency Ordinance necessary for the immediate preservation of the public peace, health and safety, said emergency being the need to assure uninterrupted cable service to residents of the City, and shall go into effect upon its passage and approval by the Mayor.

Passed: October 8, 1991

[Signature]
President of Council

Attest: *[Signature]*
Clerk of Council

Approved: O.D.B., 1991

[Signature]
David H. Madison, Mayor

*Oct. 8, 1991 - 1st reading
Susp. & Adopt.*

ACCEPTANCE OF FRANCHISE

In accordance with Ordinance No. 59-91 and Substitute Ordinance No. 10-91 granting a franchise to construct, own, operate and maintain a cable communications system within the City of Bexley, Ohio (the "Franchise") to American Television and Communications Corporation, d/b/a All American Cablevision ("ATC"), ATC hereby accepts the Franchise granted thereunder and agrees to comply with and abide by all of its provisions, terms and conditions.

IN WITNESS WHEREOF, the undersigned has executed this Acceptance as of the 25th day of October, 1991.


AMERICAN TELEVISION AND
COMMUNICATIONS CORPORATION d/b/a ALL
AMERICAN CABLEVISION

By  _____
Name: John F. Gault
Title: Executive Vice President

State of Connecticut)
) ss. Stamford
County of Fairfield)

On October 25th, 1991, before me, Tami Chiappetta, a Notary Public in and for said County and State, personally appeared John F. Gault who acknowledged himself to be the Executive Vice President of American Television and Communications Corporation d/b/a All American Cablevision, and that he as an Executive Vice President authorized to do so, executed this Acceptance by signing the name of the corporation by himself as Executive Vice President.

WITNESS my hand and official seal

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TAMI E. CHIAPPETTA
Notary Public NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 31, 1993

My Commission Expires: