

ORDINANCE NO. 86-24 AC CMS

AN ORDINANCE APPROVING A FRANCHISE AGREEMENT BETWEEN  
THE CITY OF OBERLIN, OHIO, AND CABLE CO-OP, INC., FOR THE CONSTRUCTION  
AND OPERATION OF A CABLE COMMUNICATIONS SYSTEM WITHIN THE CITY OF OBERLIN

BE IT ORDAINED by the Council of the City of Oberlin, County of  
Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That the proposed franchise agreement between the City  
of Oberlin, Ohio, and the Cable Co-op, Inc., a copy of which is attached  
hereto, marked "Exhibit A", and incorporated herein by reference, is  
hereby approved, and the City Manager is hereby authorized and directed  
to execute same on behalf of the City.


SECTION 2. It is hereby found and determined that all formal actions  
of this Council concerning or relating to the adoption of this ordinance  
were adopted in an open meeting of this Council and that all deliberations  
of this Council and of any of its committees that resulted in such formal  
action, were in meetings open to the public in compliance with all legal  
requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance shall take effect at the earliest  
date allowed by law.

PASSED: 1st Reading - April 21, 1986  
2nd Reading - May 5, 1986  
3rd Reading - May 19, 1986

ATTEST:

  
\_\_\_\_\_  
Clark of Council

  
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Chairman of Council

POSTED: May 20, 1986

## FRANCHISE AGREEMENT

This Agreement is made and concluded at Oberlin, Ohio, this 18th day of June, 1986, by and between the City of Oberlin, Ohio, a Municipal Corporation, hereinafter referred to as "CITY", and the Cable Co-op, a Cooperative Association incorporated under the laws of the State of Ohio, hereinafter referred to as "CO-OP".

In consideration of the premises and other good and valuable consideration, it is agreed by and between the CITY and CO-OP as follows:

1. The CITY grants to the CO-OP a non-exclusive revocable franchise to construct, operate, and maintain a cable communications system within the CITY for Fifteen (15) years from the effective date of the Ordinance approving this Agreement.

2. The CO-OP hereby accepts the franchise.

3. The terms and conditions of the franchise are as set forth in the provisions of Ordinance Number 1718 AC CMS, and the proposal of the CO-OP dated September 15, 1983, both of which are specifically incorporated herein by reference and made a part of this Agreement.

4. Upon approval of this Franchise Agreement, CO-OP will proceed with all due haste and without delay to construct the cable communications system described in its proposal submitted September 15, 1983, and in accordance with the "Oberlin Cable T.V. Proposed Schedule" as set forth in said proposal. Any substantial deviation from that schedule shall constitute grounds for revocation and termination of the franchise.

5. Prior to beginning construction of the cable communications system, CO-OP shall enter into a license agreement prepared by and satisfactory to the CITY which may authorize the CO-OP to attach cables and equipment on or adjacent to the utility poles owned by the CITY; and which shall indicate that all system "make-ready" costs, as determined by the CITY, be assumed by the CO-OP.

6. This Agreement was approved by the Council of the CITY by Ordinance Number 86-24 AC CMS on May 19, 1986, and approved by the Board of Trustees of the CO-OP by Resolution approved on June 11, 1986.

IN WITNESS WHEREOF, the parties hereunto have set their hands to triplicate copies of this Agreement, each of which shall constitute an original, on the day and year first above mentioned.

WITNESSES:

Julie A. Simonson  
Eric R. Severs

CITY OF OBERLIN, OHIO

By: Dale S. Sugerman  
Dale S. Sugerman, Oberlin

George A. Abram  
George A. Abram, Vice-President

CABLE CO-OP

By: Kirk B. Roose  
Kirk B. Roose, President

APPROVED AS TO FORM:

Eric R. Severs  
Eric R. Severs  
Oberlin City Solicitor