

ORDINANCE NO. 378

An ordinance amending Section 309, Assignment of Cable Television Franchise.

Whereas, the Town Council of Yacolt, Washington ("Town"), is in regular session this \_\_\_\_ day of January, 1998; and

Whereas, all members have had notices of time, place, and purpose of this meeting; and

Whereas, on or about the 1st day of November, 1988, the Town granted a non-exclusive Cable Television Franchise to Independent Telecom, Inc., dba Acorn Cable, Inc. pursuant to Ordinance No. 309 (the "Franchise"); and

Whereas, on or about the 15th day of December, 1997, the Town received a written Notice together with Federal Communications Commission Form 394 and a proposed Resolution to approve the transfer of the Franchise and the cable system serving the Town (the "Cable System") from Acorn Cable, Inc. to J&N Cable System, Inc.; and

Whereas, on or about the 15th day of December, 1997, the Town considered the request made to it and further considered its rights under the Franchise to act on the transfer of the Franchise and Cable System, including exercising its right to purchase the Cable System; and

Whereas, the Town has no interest in acquiring the Cable System; and

Whereas, there was no objection presented to the Town Council concerning the transfer of the Franchise and Cable System from Acorn Cable, Inc. to J&N Cable System, Inc.

NOW, THEREFORE, in a regular meeting of the Town Council of the Town of Yacolt, the Town of Yacolt resolves as follows:

1. The Franchise is valid and in full force and effect.
2. The Town hereby consents and approves of the transfer of the Franchise and Cable System from Acorn Cable, Inc. to J&N Cable System, Inc..
3. The Town hereby waives any right it may have to purchase the Cable System under the Franchise.

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4. Upon acceptance of this Resolution and Franchise by signing below, J&N Cable System, Inc. may encumber all or any part of the interest of Acorn Cable, Inc. in and under the Franchise, for financing purposes, by one or more security agreements, devices, mortgages, deed of trust, or other encumbrances from Acorn Cable, Inc. to any lender providing financing to J&N Cable System, Inc. from time to time and encumbering any property or assets of Acorn Cable, Inc. under the Franchise.

5. By accepting this Franchise and Cable System, J&N Cable System, Inc. hereby agrees to assume and fulfill all duties required under Ordinance No. 309. This transfer is expressly subordinate to the terms and conditions of the original franchise and the terms of the original franchise agreement shall prevail in the event of a conflict with this Ordinance.

6. Paragraph 2. 8 of Ordinance No. 309 is hereby amended to state that J&N Cable System, Inc. is not required to maintain a local business office within Clark County. The Company shall provide a toll free telephone number to accept complaint calls 24 hours a day, seven days a week.

PASSED at a regular meeting of the Town Council of the Town of Yacolt, Washington this 20th day of January, 1998.

  
\_\_\_\_\_  
KENNETH CASE, Mayor

Attest:

  
\_\_\_\_\_  
IRENE CHRISTENSEN  
Town Clerk/Treasurer

Ayes Councilmembers, Milman, Kaski, Messer, Robertson, Smith

Nays NONE

Absent NONE

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