

ORDINANCE NO. - 86-93

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA RELATING TO FRANCHISES, AMENDING ORDINANCE NO. 84-31, AS PREVIOUSLY AMENDED TO CHANGE THE NAME OF THE GRANTEE UNDER SAID ORDINANCE FROM FUND VII/ABC VENTURE TO CABLEVISION INDUSTRIES LIMITED PARTNERSHIP, A DELAWARE PARTNERSHIP; AUTHORIZING THE GRANTEE TO PLACE LIENS ON THE SYSTEM; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section 1. Ordinance No. 84-31 of St. Johns County, Florida, as previously amended by ordinance 85-75, is hereby amended by deleting section 3 thereof and by adding and substituting the following in its stead:

SECTION 3. Grant of Franchise. There is hereby granted by the County of St. Johns to ~~Cable-TV-Fund-VII-ABC, Jones Intereable, Inc., Managing General Partner, a Colorado Limited Partnership, Fund-VII/ABC-Venture~~ Cablevision Industries Limited Partnership, a Delaware Limited Partnership (hereinafter called the "Grantee"), the non-exclusive right and privilege to construct, erect, operate and maintain in, upon, along, across, above, over and under the County streets, rights-of-ways, alleys, public ways and public places, now laid out or dedicated and all extensions thereof and additions thereto in the hereinafter described "Franchise Area" wires, poles, cables, underground conduits, conductors, fixtures necessary for the maintenance and operation in the service area of the County a cable television system; all within the Coastal part of said County in that area shown on Exhibit "A" attached hereto as "The Service Area." The right to use and occupy said County streets, alleys, public ways and places for the purposes herein set forth shall not be exclusive and the County reserves the right to grant the non-exclusive use of the same County streets, rights-of-ways, alleys, public ways and places to any other person or entity at any time during the period of this Franchise. The Grantee shall have the right to enter into non-exclusive arrangements for the

attachment onto and use of facilities owned and operated by public utilities operating within the County whereby the Grantee shall strictly comply with the terms, provisions and restrictions of said agreements, and copies of all agreements made with other public utilities operating with the County shall be placed on file with the County immediately upon their execution. The Grantee shall at all times during the life of this Franchise be subject to all lawful exercise of the police power by the County and to such reasonable regulations as the County may hereafter by resolution or ordinance provide. The construction, operation and maintenance of the system by the Grantee shall be in full compliance with the National Electric Code as from time to time amended and revised, and in full compliance with all applicable rules and regulations now in effect or hereinafter adopted by the Federal Communications Commission, the County of St. Johns, the State of Florida, or the United States Government.

Grantee is hereby authorized to grant to its lender or lenders a lien on or security interest in the assets of Grantee, including its right, title and interest in, to and under St. Johns County Cable Television Ordinance 84-31, as amended, to secure borrowings from time to time by Grantee and such lender or lenders may, in connection with the grant of such lien and security interest, exercise all rights and remedies accruing to it or them by agreement or as otherwise available at law or equity, including all rights and remedies of a secured party under the Florida Uniform Commercial Code; provided however, that this authorization shall not be construed to prevent the County from declaring an unauthorized transfer nor shall it prevent the County from taking action in the event of a transfer prohibited by Section 19 of ordinance 84-31 occasioned by foreclosure or other enforcement of the liens or security interest hereinabove authorized.

Section 2. Ordinance 84-31 shall, to the extent not inconsistent with this amending ordinance, remain in full force and effect in accordance with its terms. All ordinances and resolutions in conflict herewith and therewith are to the extent of such conflict repealed.

Section 3. This ordinance shall take effect upon the later of:

- A. The receipt of official acknowledgment by the Office of the Secretary of State to the Clerk of the Board of County Commissioners of St. Johns County, Florida, that same has been filed; and
- B. The signing of the acceptance hereunder by an appropriate officer of Cablevision Industries Limited Partnership; and
- C. The filing with the County Finance Director and with the St. Johns County Clerk of Courts of certified copies of a Resolution of the general partner of each of the limited partnerships comprising Fund VII/ABC Venture consenting to this Ordinance and certified copies of a Resolution of the general partner of Cablevision Industries Limited Partnership consenting to the passage of this Ordinance and agreeing to abide by the provisions of St. Johns County, Florida Ordinance 84-31, as amended, and to the extent such provisions are consistent with applicable federal law. Provided, however that in the event certified copies of such Resolutions shall not be filed with the County Finance Director and with the Clerk within sixty (60) days from the date of passage hereof, this Ordinance shall automatically be null and void and will be of no further effect.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, this 16th day of December, 1986.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: Phyllis S. Lydon  
Chairman

ATTEST: Carl "Bud" Markel, Clerk

Cheryl Kent  
Deputy Clerk

ACCEPTANCE

Cablevision Industries Limited Partnership hereby accepts  
the foregoing St. Johns County Ordinance this 19<sup>th</sup> day of  
December, 1986.

Cablevision Industries Limited  
Partnership

By: *Robert W. Carley*  
its executive vice President  
of General Partner

Adopted regular meeting 12/16/86

Effective: December 24, 1986

The St. Augustine Record  
PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, }  
COUNTY OF ST. JOHNS }

Before the undersigned authority personally appeared \_\_\_\_\_  
Paula M. Freeman \_\_\_\_\_ who on oath says that he is  
Classified Advertising Manager \_\_\_\_\_ of the St. Augustine Record, a  
daily newspaper published at St. Augustine in St. Johns County, Florida;  
that the attached copy of advertisement, being a \_\_\_\_\_  
Notice of county commission meeting \_\_\_\_\_  
\_\_\_\_\_ in the matter of \_\_\_\_\_  
Proposed passage of ordinance to amend ordinance 84-31 \_\_\_\_\_  
\_\_\_\_\_ in the \_\_\_\_\_ Court,  
was published in said newspaper in the issues of \_\_\_\_\_  
November 28, 1986 \_\_\_\_\_

Affiant further says that the St. Augustine Record is a newspaper  
published at St. Augustine, in said St. Johns County, Florida, and that the  
said newspaper has heretofore been continuously published in said St.  
Johns County, Florida, each day, except Sundays, and has been entered  
as second class mail matter at the post office in the City of St. Augustine,  
in said St. Johns County, Florida, for a period of one year next preceding  
the first publication of the attached copy of advertisement; and affiant  
further says that he has neither paid nor promised any person, firm or  
corporation any discount, rebate, commission or refund for the purpose  
of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me  
this 2nd day of December \_\_\_\_\_  
A.D. 19 86 \_\_\_\_\_  
Notary Public

Notary Public, State of Florida  
My Commission Expires Aug. 4, 1989  
Bonded thru Troy, Fla. - Insurance, Inc.

THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, HAS CONSIDERED THE MATTER OF THE PROPOSED PASSAGE OF AN ORDINANCE TO AMEND ORDINANCE 84-31, AS PREVIOUSLY AMENDED TO CHANGE THE NAME OF THE GROUP UNDER SAID ORDINANCE FROM FARM DIVISION LIMITED TO COLONIAL RESERVE LIMITED. THE BOARD HAS DECEASED IN THE CITY OF ST. AUGUSTINE, FLORIDA, AND HAS DECIDED TO HOLD A PUBLIC HEARING ON THE MATTER ON \_\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ P.M. ON \_\_\_\_\_ AT \_\_\_\_\_ ST. AUGUSTINE, FLORIDA. ALL PARTIES HAVING ANY INTEREST IN SAID ORDINANCE WILL BE GIVEN AN OPPORTUNITY TO BE HEARD AT SAID PUBLIC HEARING. IF A PERSON DESIRES TO REQUEST A DECISION MADE BY THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO ANY MATTER CONSIDERED AT SAID HEARING, HE SHOULD FILE A WRITTEN REQUEST OF THE SAID CHAIRMAN AND FOR SAID PURPOSE HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD SHOULD INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE REQUEST IS TO BE MADE.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
Carl "Bud" Marcell  
Its Clerk  
By Cheryl Kent  
Deputy Clerk  
List Nov. 28, 1986



FLORIDA DEPARTMENT OF STATE  
 George Firestone  
 Secretary of State

RECEIVED  
 ST. JOHNS COUNTY FLORIDA

'86 DEC 17 P3:15

December 17, 1986

*Carl Bud Markel*  
 CLERK, COUNTY COMMISSION

Honorable Carl "Bud" Markel  
 Clerk of the Circuit Court  
 St. Johns County Courthouse  
 Post Office Drawer 300  
 St. Augustine, Florida 32084  
 Attention: Tami J. Tedder, Deputy Clerk  
 Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of letter/s of December 17, 1986  
 and certified copy/ies of St. Johns  
 County Ordinance(s) #86-93 HAND DELIVERED 10:26 am
2. Receipt of \_\_\_\_\_ County Ordinance(s)  
 relative to:  
 (a) \_\_\_\_\_  
 which we have numbered \_\_\_\_\_  
 (b) \_\_\_\_\_  
 which we have numbered \_\_\_\_\_
3. We have filed this/~~these~~ ordinances in this office  
 on December 17, 1986.
4. The original/duplicate copy/ies showing the filing date  
 is/are being returned for your records.

Cordially,

*Liz Cloud*  
 (Mrs.) Liz Cloud, Chief  
 Bureau of Administrative Code

LC/mb

**FLORIDA-State of the Arts**