

ORDINANCE NO. 88 -54

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, CONDITIONALLY CONSENTING TO THE TRANSFER OF A PORTION OF THE NONEXCLUSIVE CABLE TELEVISION FRANCHISE RIGHTS GRANTED UNDER SAID ORDINANCE 87-32 TO CONTINENTAL CABLEVISION OF JACKSONVILLE, INC., A FLORIDA CORPORATION, TO OPERATE A CABLE TELEVISION SYSTEM IN CERTAIN UNINCORPORATED AREAS OF ST. JOHNS COUNTY, FLORIDA, CONDITIONALLY TERMINATING THE RIGHTS, DUTIES AND OBLIGATIONS OF TELESAT CABLEVISION, INC. WITH RESPECT TO ORDINANCE 87-32; AND PROVIDING AN EFFECTIVE DATE.

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

ARTICLE 1. CONDITIONAL CONSENT TO TRANSFER FRANCHISE:

The transfer from Telesat Cablevision, Inc. to Continental Cablevision of Jacksonville, Inc., a Florida corporation, of Telesat's franchise rights, duties and obligations created by and pursuant to St. Johns County ordinance 87-32 as they pertain to all of the unincorporated areas of St. Johns County, Florida not described in Exhibit "A" hereto and the franchise assets of Telesat Cablevision, Inc. in such unincorporated areas is hereby authorized subject to the timely occurrence of the conditions described in ARTICLE 2 below.

ARTICLE 2. CONDITION FOR TRANSFER: The transfer authorized under ARTICLE 1 of this ordinance may not occur until the prior filing with the Clerk of St. Johns County of a written undertaking executed by an appropriate and authorized officer of Continental Cablevision of Jacksonville, Inc., a Florida corporation, assuming and agreeing to be bound by all terms and conditions of the amended cable television franchise established by an ordinance of St. Johns County, Florida, amending and restating St. Johns County ordinances 87-61, 87-62 and 82-13, increasing the aggregate performance bond imposed under such ordinances, expanding the service areas described therein, and amending the Franchise Fees imposed thereunder.

ARTICLE 3. ORDINANCE SELF DESTRUCT PROVISION: If the transfer authorized by this ordinance shall not have occurred prior to December 1, 1988, with a certificate acknowledging completion of the transfer being filed with the clerk of St. Johns County by Continental Cablevision of Jacksonville, Inc., a Florida corporation, and by Telesat Cablevision, Inc. prior to such date, then this ordinance shall automatically terminate on December 1, 1988 and the cable

television franchise established by St. Johns County ordinance 87-32 shall remain in effect on its original terms and conditions.

ARTICLE 4. TERMINATION OF RIGHTS, DUTIES AND OBLIGATIONS.

Upon the timely (i) occurrence of the transfer described in Article 1 hereof, (ii) filing of the written undertaking described in Article 2 hereof, and (iii) filing of the certificates described in Article 3 hereof, Telesat Cablevision, Inc. shall have no claim, right or privilege to operate a cable television system within St. Johns County, Florida nor shall Telesat Cablevision, Inc. have any continuing duty or obligation under or in connection with the cable television franchise granted to Telesat Cablevision, Inc. pursuant to St. Johns County Ordinance No. 87-32. In the event that any of the conditions described in clauses (i), (ii) or (iii) of the preceding sentence do not timely occur or happen, then the preceding sentence shall be void ab initio and Telesat Cablevision, Inc. shall continue to have the rights, duties, and obligations set forth in St. Johns County Ordinance 87-32.

ARTICLE 5. EFFECTIVE DATE: This ordinance shall take effect upon the later of (i) receipt of official acknowledgment of the Department of State to the Clerk of the Board of County Commissioners that same has been filed and (ii) the date that the acceptance below is signed by Telesat Cablevision, Inc. If the acceptance is not signed by Telesat Cablevision, Inc. on or before December 1, 1988, this ordinance shall be of no force or effect.

PASSED by the Board of County Commissioners of St. Johns County, Florida, State of Florida, this 13th day of September, 1988.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Lawrence O. Hatley
Its Chairman

ATTEST: Carl "Bud" Markel, Clerk

BY: Carl "Bud" Markel
Clerk

ACCEPTANCE

The provisions of this Ordinance are accepted by Telesat Cablevision, Inc.

Adopted regular meeting September 13, 1988
Effective September 26, 1988

TELESAT CABLEVISION, INC.

By: Harry P. Cushing, III.
Its President
Harry P. Cushing, III.

EXHIBIT "A"

FRANCHISE BOUNDARY

Beginning at the intersection of the shores of Atlantic Ocean with the Southern City Limits line of South Ponte Vedra Beach and run Westerly along said Southern City Limits to Shannon Road; then continue Westerly along Shannon Road to U.S. #1; then Southerly along U.S. #1 to Nine-Mile Road; thence Westerly along Nine-Mile Road to I-95; thence Southerly along I-95 to St. Johns County's Southerly line; thence Easterly along said county line to the shores of the Atlantic Ocean; thence Northerly along said shores of Atlantic Ocean to the Point of Beginning.

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 _____
LINDA MURRAY who on oath says that he is
ACCOUNTING CLERK 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 REGULAR MEETING
 _____ in the matter of _____
ORDINANCE # 87 32
 _____ in the _____ Court,
 was published in said newspaper in the issues of _____
AUGUST 23, 1988

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 16th day of SEPTEMBER

A.D. 19 88

 Notary Public, State of Florida
 My Commission Expires 4, 1989
 Bonded thru Ivey firm - Insurance, Inc.

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON SEPTEMBER 13, 1988 AT 3:00 P.M. IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, LEWIS SPEEDWAY (COUNTY ROAD 164) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCES:

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, CONDITIONALLY CONSENTING TO THE TRANSFER OF A PORTION OF THE NONEXCLUSIVE CABLE TELEVISION FRANCHISE RIGHTS GRANTED UNDER SAID ORDINANCE 87-32 TO CONTINENTAL CABLEVISION OF JACKSONVILLE, INC., A FLORIDA CORPORATION, TO OPERATE A CABLE TELEVISION SYSTEM IN CERTAIN UNINCORPORATED AREAS OF ST. JOHNS COUNTY, FLORIDA, CONDITIONALLY TERMINATING THE RIGHTS, DUTIES AND OBLIGATIONS OF TELESAT CABLEVISION, INC. WITH RESPECT TO ORDINANCE 87-32; AND PROVIDING AN EFFECTIVE DATE, AND AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, CONDITIONALLY AMENDING AND RESTATING ORDINANCE NOS. 87-61, 87-62 AND 87-13, INCLUDING THE LAND AREAS DESCRIBED IN SAID ORDINANCES AND CONDITIONALLY CONSENTING TO THE TRANSFER OF A BENEFICIAL INTEREST TO ST. JOHNS COUNTY ASSOCIATES, LTD., A FLORIDA LIMITED PARTNERSHIP, IN THE NON-EXCLUSIVE CABLE TELEVISION FRANCHISE GRANTED UNDER SAID AMENDED AND RESTATED ORDINANCE WHICH NOW AUTHORIZES CONTINENTAL CABLEVISION OF JACKSONVILLE, INC. TO OPERATE A CABLE TELEVISION SYSTEM IN CERTAIN UNINCORPORATED AREAS WITHIN ST. JOHNS COUNTY, FLORIDA, WHOSE BOUNDARY IS DESCRIBED IN EXHIBIT "A" ATTACHED TO THIS ORDINANCE; SETTING FORTH THE CONDITIONS OF FRANCHISE, PROVIDING FOR FRANCHISE FEES; PROVIDING FOR COUNTY REGULATION OF THE CABLE TELEVISION SYSTEM, INCLUDING OPERATIONS, CONSTRUCTION AND MAINTENANCE; CONTAINING CERTAIN PROHIBITIONS INCLUDING PROHIBITION AGAINST OPERATING A CABLE TELEVISION SYSTEM WITHOUT A FRANCHISE; PRESCRIBING PENALTIES AND REMEDIES FOR VIOLATIONS OF THE FRANCHISE PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

The proposed Ordinances are on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida, St. Johns County Administration Building, Lewis Speedway, and may be examined by parties interested prior to said public hearing.

All parties having any interest in said Ordinances will be afforded an opportunity to be heard at the public hearing.

If a person decided to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
 Carl "Bud" Market, Its Clerk
 By Lynn M. McDonald
 Deputy Clerk
 L222 Aug. 23, 1988