

ORDINANCE NO. 3289

ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS EXTENDING
THE TERM OF THE CABLE TELEVISION SYSTEM FRANCHISE SYSTEM
OF TCA CABLE PARTNERS FOR A PERIOD OF ONE (1) MONTH

WHEREAS, TCA Cable Partners, a Delaware general partnership d/b/a Cox Communications ("Grantee") currently owns and operates a cable television system in the City of Jonesboro, Arkansas (the "City") pursuant to a franchise granted by the City to East Arkansas Cablevision, Inc., as set forth in Ordinance No. 1919, dated April 1, 1985, which franchise was assigned to TCA Cable Partners pursuant to the consent of the City granted by Ordinance No. 2758, dated February 17, 1997 (as so assigned to Grantee, the "Franchise");

WHEREAS, as set forth in Ordinance No. 2758, the Franchise expires April 26, 2000;

WHEREAS, pursuant to Ordinance No. 3204, the City previously extended the term of the Franchise for a six-month period, expiring October 26, 2000, and the City further extended the term of the Franchise for an additional six-month period, expiring April 26, 2001;

WHEREAS, Grantee has submitted a timely request for renewal of the Franchise and pursuant to such request has invoked the provisions of §626 of the Communications Act (47 U.S.C. §546), as amended;

WHEREAS, Grantee and the City are currently in the Franchise renewal process; and

WHEREAS, the City deems it to be in the best interest of the City to extend the current Franchise for an additional period of one month to enable the City and Grantee to complete the negotiation of a renewal franchise agreement, provided the parties continue to abide by the terms and conditions of the existing Franchise during such one-month extension, and provided, further, that neither party is otherwise prejudiced by the extension.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF JONESBORO, ARKANSAS AS FOLLOWS:

1. The Franchise rights granted under Ordinance No. 1919, as assigned by Ordinance No. 2758, as extended by Ordinance No. 3204, and as further extended by Jonesboro City Council, are hereby extended until May 26, 2001 under the existing terms and conditions.
2. Under the extension granted herein, Grantee and the City shall be obligated to perform and comply with all terms, conditions, requirements and limitations contained in the Franchise.

3. The extension granted herein shall be without prejudice to the rights of either the City or Grantee pursuant to §626 of the Communications Act (47 U.S.C. §546), as amended, pertaining to franchise renewal, and the parties reserve fully their rights under such section and any other provisions of applicable law.
4. This Ordinance shall have the force of a continuing agreement with Grantee, and the City shall not amend or otherwise alter this Ordinance without the consent of Grantee.

PASSED, ADOPTED and APPROVED by the City of Jonesboro, Arkansas this 16th day of April, 2001.