

ORDINANCE NO. **11862**
(New Series)

O. 76-222

JUL 7 1976

AN ORDINANCE OF THE CITY OF SAN DIEGO
CONSENTING TO THE TRANSFER OF THE NON-
EXCLUSIVE RIGHT, PRIVILEGE AND FRANCHISE
TO LAY AND USE LINES, WIRES, COAXIAL
CABLE AND APPURTENANCES FOR TRANSMITTING,
DISTRIBUTING AND SUPPLYING RADIO AND
TELEVISION ANTENNA SERVICE ALONG, ACROSS
AND UPON THE PUBLIC STREETS, WAYS, ALLEYS
AND PLACES WITHIN THE CITY OF SAN DIEGO
KNOWN AS THE SOUTH BAY TERRACES AREA FROM
SOUTH BAY TERRACES ANTENNA SYSTEM, INC.
TO AMERICAN TELEVISION AND COMMUNICATIONS
CORPORATION.

WHEREAS, The City of San Diego has by Ordinance No. 10207
(N.S.) granted the nonexclusive right, privilege and franchise
to lay and use lines, wires, coaxial cable and appurtenances
for transmitting, distributing and supplying radio and tele-
vision antenna service along, across and upon the public streets,
ways, alleys and places within the City of San Diego known as
the South Bay Terraces area to South Bay Terraces Antenna
System, Inc., as more particularly set forth in said ordinance;
and

WHEREAS, South Bay Terraces System, Inc. has by a letter
dated April 5, 1976, a copy of which is on file in the office
of the City Clerk as Document No. **755707**, requested
The City of San Diego to consent to the transfer of said
franchise to American Television and Communications Corporation
pursuant to the provisions of Section 8 of Ordinance No. 10207
(N.S.), and subject to the following conditions subsequent:

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(a) That within thirty (30) days of the effective date of this ordinance American Television and Communications Corporation interconnect the existing South Bay Terraces Antenna System, Inc. cable with the neighboring cable owned and operated by Mission Cable TV, Inc. pursuant to the terms and conditions set forth in an agreement dated June 22, 1976, between Mission Cable TV, Inc. and American Television and Communications Corporation, a copy of which is on file in the office of the City Clerk as Document No. 755708, in order that the subscribers in the area served by the franchise now held by South Bay Terraces Antenna System, Inc. may enjoy cable television signal reception equivalent to that received by subscribers in the neighboring area served by Mission Cable TV, Inc.; and that thereafter American Television and Communications Corporation shall at all times continue with said cable interconnect or otherwise insure that the subscribers in the franchise area presently held by South Bay Terraces Antenna System, Inc. continuously and at all times receive equivalent high quality of cable television service and signal as is available in the neighboring area served by Mission Cable TV, Inc., and

(b) that American Television and Communications Corporation strictly comply with the terms and conditions of the Sales Commitment heretofore executed by

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American Television and Communications Corporation
on June 22, 1976, a copy of which is on file in the
office of the City Clerk as Document No. 755709;
and

WHEREAS, American Television and Communications Corporation
has indicated its willingness to accept the transfer of said
franchise on the conditions subsequent as set forth above as
evidenced by testimony on the public record in connection with
the hearing at the introduction of this ordinance and the
execution of the Sales Commitment dated June 22, 1976, referred
to above; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego,
as follows:

Section 1. That The City of San Diego does by this
ordinance consent to the transfer to American Television and
Communications Corporation of the franchise heretofore granted
to South Bay Terraces Antenna System, Inc. subject to all the
terms and conditions contained in said Ordinance No. 10207
(N.S.) and subject to the following conditions subsequent:

(a) That within thirty (30) days of the effective
date of this ordinance American Television and Communi-
cations Corporation interconnect the existing South Bay
Terraces Antenna System, Inc. cable with the neigh-
boring cable owned and operated by Mission Cable TV,
Inc. pursuant to the terms and conditions set forth in
an agreement dated June 22, 1976, between Mission Cable
TV, Inc. and American Television and Communications

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Corporation, a copy of which is on file in the office of the City Clerk as Document No. 755708, in order that the subscribers in the area served by the franchise now held by South Bay Terraces Antenna System, Inc. may enjoy cable television signal reception equivalent to that received by subscribers in the neighboring area served by Mission Cable TV, Inc.; and that thereafter American Television and Communications Corporation shall at all times continue with said cable interconnect or otherwise insure that the subscribers in the franchise area presently held by South Bay Terraces Antenna System, Inc. continuously and at all times receive equivalent high quality of cable television service and signal as is available in the neighboring area served by Mission Cable TV, Inc., and

(b) that American Television and Communications Corporation strictly comply with the terms and conditions of the Sales Commitment heretofore executed by American Television and Communications Corporation on June 22, 1976, a copy of which is on file in the office of the City Clerk as Document No. 755709.

Section 2. Failure by American Television and Communications Corporation to strictly comply with all the terms and conditions set forth in Section 1 hereof shall be grounds for action by the City Council by ordinance to rescind the consent granted herein or take such other action as the City Council deems appropriate

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and in the best interests of the Franchise area subscribers without giving rise to any liability to the City, its officers or agents for said act of rescission.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By


C. M. Fitzpatrick
Senior Chief Deputy

CMF:vl:490
6/21/76

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Passed and adopted by the Council of The City of San Diego on **JUL 7 1976**,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

(Seal)

By *Kathleen Martinez*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUN 23 1976

JUL 7 1976

, and on _____

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

(Seal)

By *Kathleen Martinez*, Deputy.

RECEIVED
 CITY CLERK'S OFFICE
 1976 JUN 22 PM 3:59
 SAN DIEGO, CALIF.

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Office of the City Clerk, San Diego, California	
Ordinance Number	11862
Adopted	JUL 7 1976

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