

(0-83-72)

ORDINANCE NO. 0-15843
(New Series)

OCT 25 1982

AN ORDINANCE OF THE CITY OF SAN DIEGO AMENDING ORDINANCE NO. 15483 (N.S.) AND ORDINANCE NO. 15213 (N.S.) GRANTING TO AMERICAN TELEVISION AND COMMUNICATIONS CORPORATION THE NONEXCLUSIVE RIGHT, PRIVILEGE AND FRANCHISE TO LAY AND USE LINES, WIRES, COAXIAL CABLE AND APPURTENANCES FOR TRANSMITTING, DISTRIBUTING AND SUPPLYING RADIO AND TELEVISION SERVICE ALONG, ACROSS AND UPON THE PUBLIC STREETS, WAYS, ALLEYS AND PLACES WITHIN CERTAIN AREAS OF THE CITY OF SAN DIEGO AND REPEALING ORDINANCES NO. 8926 (N.S.) AND NO. 12106 (N.S.) CONCERNING THE SERVICE TERRITORY KNOWN AS RANCHO BERNARDO.

WHEREAS, The City of San Diego has by Ordinance No. 8926 (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 television antenna service along, across and upon certain public streets, ways, alleys and places within the City of San Diego known as the Rancho Bernardo area to Rancho Bernardo Antenna Systems, Inc., as more particularly set forth in said ordinance; and

WHEREAS, The City of San Diego has by Ordinance No. 12106 (N.S.) consented to the transfer to American Television and Communications Corporation ("ATC") of the franchise heretofore granted by Ordinance No. 8926 (N.S.) to Rancho Bernardo Antenna Systems, Inc. subject to all the terms and conditions contained in said Ordinances No. 8926 (N.S.) and No. 12106 (N.S.); and

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WHEREAS, The City of San Diego has by Ordinance No. 15213 (N.S.) and Ordinance No. 15483 (N.S.) granted to ATC 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 certain other areas of the City of San Diego, as more particularly set forth in said ordinances; and

WHEREAS, ATC has requested The City of San Diego to consolidate ATC's franchise rights and obligations as set forth in Ordinances No. 8926 (N.S.) and No. 12106 (N.S.) with those rights and obligations provided for in Ordinance No. 15213 (N.S.) and Ordinance No. 15483 (N.S.), subject to certain terms and conditions; and

WHEREAS, it appears appropriate and desirable to The City of San Diego to so consolidate ATC's rights and obligations;
NOW, THEREFORE,

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

Section 1. That Ordinances No. 8926 (N.S.) and No. 12106 (N.S.) be and they are hereby repealed.

Section 2. That Ordinance No. 15213 (N.S.), Section 6, and Ordinance No. 15483 (N.S.), Section 6, be and they are hereby amended to read as follows:

Section 6. DESIGNATION OF SERVICE AREA

The service area referred to in Section 3 of this ordinance is as follows:

(a) All areas within the corporate limits of the City of San Diego lying northerly of the center line of the San Diego River Channel, as said line was established by the City Council in Document No. 750693 on file in the office of the City Clerk which is by this reference incorporated into this ordinance as if set out fully herein.

(b) Provided, however, that in no event shall the foregoing service area descriptions exclude from this franchise ordinance any area now served by Grantee and inadvertently omitted due to inaccuracies or oversight in said service area description.

Section 3. That Ordinance No. 15213 (N.S.), Section 15(a), be and it is hereby amended to read as follows:

Section 15. REGULATION OF RATES AND SERVICE

(a) The City Council shall have the power and right at all times for the duration of the Franchise granted by this ordinance to require Grantee to conform to reasonable rules and regulations now or hereafter adopted by the City Council, including the power to regulate and establish reasonable rates and charges by Grantee for services rendered under this ordinance. The establishment of such rules and regulations shall be discretionary with the City Council. With the

exception of rate increases provided for in subsection 15(b) below, the establishment of rates and charges shall only be made subsequent to appropriate public proceedings affording due process, which proceedings shall be held upon request therefor by Grantee or at the initiation of the City, all in accordance with the City's established rules and regulations for rate setting proceedings. However, Grantee may establish its own rates and charges for services for which the City Council has not affirmatively established rates and charges; provided, however, that Grantee shall at all times keep, maintain and provide City with separate, operational and financial records for the Rancho Bernardo system as presently described on Exhibit C attached hereto and by this reference made a part hereof in order that the operations and rate structures of said system may be analyzed and inspected by the City as a separate operating entity and rates established therefor at all times during the effective period of this Franchise.

Section 4. 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:490.3
9/17/82
Or.Dept. T&LU

0-15843

All that portion of Rancho San Bernardo, in the City of San Diego, County of San Diego, State of California, according to the Map thereof recorded in Book 2, Page 462 of Patents, records of said County, described as follows:

Beginning at the Southeast corner of said Rancho San Bernardo; thence along the boundary of said Rancho according to Record of Survey No. 6081, records of said County, North $83^{\circ} 51' 43''$ West 12,174.55 feet to a point; thence leaving said Rancho Boundary and continuing along said Record of Survey No. 6081, North $12^{\circ} 50' 05''$ East 5,273.25 feet to a point; thence North $85^{\circ} 23' 24''$ West 982.10 feet to a point; thence North $12^{\circ} 20' 52''$ East 12,089.08 feet to a point; thence leaving the boundary of said Record of Survey No. 6081, and continuing along the prolongation of the previous course, North $12^{\circ} 20' 52''$ East to an intersection with the 315 foot contour line of Lake Hodges (mean sea level datum); thence generally Easterly along said 315 foot contour line to an intersection with the East 1,758,000 grid (California Grid Zone 6); thence due East to an intersection with the East boundary of said Rancho San Bernardo; thence Southerly along said East boundary to the POINT OF BEGINNING.

EXHIBIT C

0-15843

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Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Marjorie G. Ponce, 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

OCT 04 1982

OCT 25 1982

, 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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Marjorie G. Ponce, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-15843 Adopted _____

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