

CITY OF JEANNETTE

AN ORDINANCE CONSENTING TO THE TRANSFER OF THE NON-EXCLUSIVE FRANCHISE FOR A COMMUNITY ANTENNA TELEVISION SYSTEM FROM HARRON COMMUNICATIONS CORP. ("Harron") TO MARCUS COMMUNICATIONS, INC.; AND AMENDING ORDINANCE NUMBER 66-18, AS AMENDED.

WHEREAS, the City of Jeannette by Ordinance Number 66-18 dated June 28, 1966 granted a franchise to construct, operate and maintain a Community Antenna Television System; and

WHEREAS, by amendment to that Ordinance, that franchise right has been granted to Harron; and

WHEREAS, Harron is about to assign said franchise to Marcus Communications, Inc. of Greenwich, CT or its affiliate, ("Marcus") subject to the approval and consent of the City of Jeannette; and

WHEREAS, said franchise is in full force and effect, and there are no outstanding breaches of the terms and conditions of the Ordinance above referenced and the Agreement entered into pursuant to such Ordinance; and

WHEREAS, Marcus has requested certain changes in the terms and conditions of the original franchise to up-grade and to improve the current system; and

WHEREAS, the City Council believes that the transfer of said franchise is in the best interest of the residents of the City of Jeannette; and

BE IT ORDAINED AND ENACTED by the City Council of the City of Jeannette, and it is hereby ordained and enacted by the authority of the same:

SECTION 1. The City of Jeannette hereby consents to the assignment and transfer of the franchise to construct, operate and maintain a Community Antenna Television System from Harron to Marcus, under and subject to the terms of this Ordinance and all of the terms and conditions of Ordinance Number 66-18, as amended. All of which shall become binding upon Marcus upon the effective date of this Ordinance.

SECTION 2. The City of Jeannette hereby consents to the assignment of the franchise by Marcus as specified herein in favor of any financial institution for the limited purpose of securing Marcus' financing of the system and Marcus' obligations under the Ordinances and Agreements specified herein.

SECTION 3. As soon after the effective date of this Ordinance as may be practicable, Marcus shall alter or amend specifications for the system as may be necessary to up-grade the system to 35 channel capability.

SECTION 4. Marcus shall make its service available to any customer within the City limits for whom it is economically feasible to furnish service. This service shall be deemed to be economically feasible when the cost to Marcus does not exceed the sum of \$ 1500.00.

SECTION 5. The expiration date of the franchise assigned to Marcus under the authority of this Ordinance shall expire on the fifteenth anniversary of the effective date of this ordinance.

SECTION 6. The within Ordinance shall become effective upon the actual date of assignment of the franchise from Harron to Marcus under the terms of an Asset Sales Agreement.

SECTION 7. All Ordinances or parts of Ordinances inconsistent herewith are repealed. The provisions of this Ordinance shall be severable and if any provision shall be held unconstitutional, illegal or invalid, the remaining provisions shall be valid and in full force and effect.

ORDAINED AND ENACTED, this 3RD. day of JULY, 1985.

CITY OF JEANNETTE

By:

Jeffrey A. Pavetti
JEFFREY A. PAVETTI, MAYOR

ATTEST:

Richard S. Laskey
RICHARD S. LASKEY, CITY CLERK