

LAPORTE COUNTY ORDINANCE NUMBER 83-8

AN ORDINANCE AWARDING A NON-EXCLUSIVE
FRANCHISE FOR THE INSTALLATION AND
MAINTENANCE OF A CABLE COMMUNICATIONS
SYSTEM TO LAKESHORE COMMUNICATIONS,
A JOINT VENTURE

WHEREAS, on April 4, 1983, the City of LaPorte, Indiana, passed an Ordinance awarding to LAKESHORE COMMUNICATIONS, A JOINT VENTURE, a non-exclusive franchise to operate a cable communications system within the City of LaPorte, Indiana; and,

WHEREAS, LAKESHORE COMMUNICATIONS, A JOINT VENTURE, has brought to the attention of this Board the desirability of extending the LaPorte system to various areas outside the City Limits of the City of LaPorte, and consisting of the unincorporated portions of LaPorte County; and,

WHEREAS, LAKESHORE COMMUNICATIONS, A JOINT VENTURE, has offered to make available to certain areas of LaPorte County, the same cable television system which will be offered in the City of LaPorte, pursuant to that Ordinance, and have further offered a franchise fee to the County of three percent (3%) of the annual gross revenue from County subscribers not within any city limit; and,

WHEREAS, it is deemed by this Board to be in the best interests of this County to grant to LAKESHORE COMMUNICATIONS, A JOINT VENTURE, a non-exclusive franchise to extend its cable communications system into this County.

NOW, THEREFORE, BE IT ORDAINED by this Board as follows:

SECTION I. The County Commissioners of LaPorte County, Indiana, do hereby grant a non-exclusive franchise to LAKESHORE COMMUNICATIONS, A JOINT VENTURE, to install and maintain a cable television system in LaPorte County, to be operated from its LaPorte facilities.

SECTION II. That pursuant to this grant of a non-exclusive franchise, LAKESHORE COMMUNICATIONS, A JOINT VENTURE, may provide in LaPorte County, cable television services to those areas contiguous to LaPorte

or, at their option, to other areas within LaPorte County, and shall provide cable service to any homes within two hundred feet (200') of any trunk cable actually installed. That said franchisee shall not be required to provide for the County any of the following: separate office facilities, separate studios, separate master telecommunications centers, separate access channels, or special hook-up, i.e., INSTITUTIONAL LOOP, to any schools which are not otherwise serviced by the County system, the provisions of #21 (e & f) of the Technical Specifications of the LaPorte City Ordinance.

SECTION III. Other than as modified by Section II above, the provisions of Ordinance Number 1690, adopted by the City of LaPorte, Indiana, Common Council, on April 4, 1983, are incorporated herein by reference.

Incorporation by reference of the above Ordinance of the City of LaPorte, shall require that, to the extent practicable, all of the terms, conditions, duties, requirements, rights and responsibilities contained within that Ordinance as applicable to the City of LaPorte, Indiana, shall be applicable to LaPorte County, insofar as the terms and conditions contained in that Ordinance apply to LAKESHORE COMMUNICATIONS, A JOINT VENTURE, they shall be applicable to the franchisee in regard to its obligation to the County of LaPorte, Indiana.

SECTION IV. The rate structure to be charged in the County of LaPorte, Indiana, by LAKESHORE COMMUNICATIONS, A JOINT VENTURE, shall be the same as that offered to LAKESHORE subscribers and approved for subscribers from time to time, within the City of LaPorte, with the following exception: Any residents of LaPorte County wishing to become customers of LAKESHORE COMMUNICATIONS, A JOINT VENTURE, but who live in an area not serviced by LAKESHORE COMMUNICATIONS, A JOINT VENTURE, or in an area having a density of less than forty (40) homes per mile, may negotiate with LAKESHORE COMMUNICATIONS, A JOINT VENTURE, concerning the costs of providing service to said customers so situated, and

the franchisee shall have a right to charge any such customers in direct proportion to the extra cost of installing and initiating services to those customers.

SECTION V. LAKESHORE COMMUNICATIONS, A JOINT VENTURE, is hereby granted the right to extend its system into any areas of LaPorte County, Indiana, except those areas to which a specific franchise has already been acquired and granted by the County.

SECTION VI. In consideration of the granting of this franchise, the franchisee shall pay to the County of LaPorte, a franchise fee of three percent (3%) of the annual gross revenues received from its customers in LaPorte County, outside any City Limits, for all services provided within the franchise area described herein.

SECTION VII. Franchisee shall file and maintain throughout the term of this franchise a bond for the faithful performance of its obligation, with good and sufficient surety, approved by this Board. Said surety to run to the County of LaPorte, in the sum of Ten Thousand Dollars and no/cents (\$10,000.00), conditioned that the franchisee will truly and well perform each and every term and condition of this franchise, and said bond shall not be terminated or allowed to expire, except upon thirty (30) days written notice to this Board.

SECTION VIII. The term of this franchise shall be for a period of fifteen (15) years, commencing on the effective date of this Ordinance. This franchise shall have unlimited options for renewal, upon faithful performance by the franchisee, for additional periods of ten (10) years, upon giving written notice to this Board at least six (6) months prior to the expiration of each term, as more specifically set forth in the Ordinance of the City of LaPorte referred to above.

SECTION IX. This Ordinance and the franchise hereby granted, shall take effect upon its adoption and approval in the manner provided by law.

INTRODUCED AND ADOPTED BY THE COUNTY COMMISSIONERS, LAPORTE
COUNTY, INDIANA, this 24th day of October, 1983.

COUNTY COMMISSIONERS OF THE COUNTY
OF LAPORTE, STATE OF INDIANA:

Kenneth A. Swanson
Richard O. Knoll
Robert E. Miller

ATTEST:

Sherry K. Waters