

ORDINANCE NO. 1526

AN ORDINANCE AUTHORIZING AND GRANTING TO MEDIACOM SOUTHEAST LLC ("MEDIACOM") THE RIGHT TO USE THE RIGHTS-OF-WAY OF THE CITY OF FAIRHOPE, ALABAMA (THE "CITY") TO PROVIDE CABLE SERVICES TO THE CITIZENS OF THE CITY UNDER THE TERMS OF A CABLE TELEVISION SYSTEM FRANCHISE AGREEMENT

WHEREAS, Alabama Code § 11-43-62 authorizes and empowers the City to regulate the use of the streets for the erection of all systems of wires and conduits and generally to control and regulate the use of the streets for any and all purposes, and to grant franchises for such as the City deems advisable; and

WHEREAS, Mediacom's franchise agreement granted pursuant to Ordinance 1394, adopted July 13, 2009, has expired, and Mediacom now desires to enter into a new franchise agreement with the City; and

WHEREAS, the Cable Television System Franchise Agreement attached hereto and incorporated herein by this reference (hereinafter the "Agreement") sets forth the terms and conditions pursuant to which Mediacom shall operate its cable television system, including the fees that shall be paid to the City with respect to same.

NOW THEREFORE, BE IT ORDAINED by the City Council (the "Council") of the City of Fairhope, Alabama as follows:

The Mayor is hereby authorized to execute the Agreement for and on behalf of the City. A copy of the Franchise Agreement is on file in the office of the City Clerk.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance (including the Cable Television System Franchise Agreement attached hereto) is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. If any of the terms or provisions set forth in the Agreement are inconsistent or otherwise in conflict with any of the terms or provisions in Ordinance Number 1284 (Cable Television), then the terms and provisions set forth in the Agreement shall prevail with respect to the Agreement.

This Ordinance shall take effect immediately upon its due adoption and publication as required by law.

APPROVED AND ADOPTED by the Council this 12th day of January, 2015

A copy of "Exhibit A" is on file in the
City Clerk's Office for viewing



Timothy M. Kant, Mayor

ATTEST:



Lisa A. Danks, MMC
City Clerk