

AN ORDINANCE **99447**

MODIFYING THE TIME WARNER CABLE FRANCHISE AGREEMENT, WHICH WAS AUTHORIZED BY ORDINANCE NO. 49433 AND BECAME EFFECTIVE ON NOVEMBER 7, 1978, IN ORDER TO EXTEND THE TERM OF THE FRANCHISE TO MARCH 31, 2005.

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WHEREAS, the City of San Antonio is currently a party to a Franchise Agreement (the "Franchise") with Time Warner Cable (TWC) that was first authorized pursuant to City Ordinance No. 49433, and became effective on November 7, 1978; and

WHEREAS, pursuant to Section 4 of the Franchise, the original Franchise term was for fifteen (15) years; and

WHEREAS, the original Franchise term was first amended by City Ordinance No. 68381, which was passed and approved on November 22, 1988, to extend the term for an additional ten (10) years and then amended again pursuant to City Ordinance No. 98127, which was passed on September 11, 2003, to extend the term to June 30, 2004; and

WHEREAS, the parties desire to extend the term to March 31, 2005, so that the parties may continue to work towards what they currently anticipate will be a mutually acceptable completion of the franchise renewal process; and

WHEREAS, this extension is not intended to be interpreted as a franchise renewal as that term is generally understood pursuant to the federal Cable Act, 47 U.S.C. §546, or the City's Charter, and is further not intended to modify any other provision of the Franchise other than the term, and neither party waives any rights that it may have had prior to the adoption of this extension;
NOW THEREFORE:

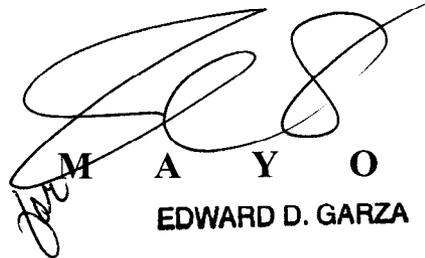
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The Amendment to Extend the term of the Cable Franchise Agreement between the City and TWC until March 31, 2005 is hereby approved. A copy of the Amendment to Extend the Cable Franchise is attached hereto, in substantially form, and incorporated herein for all purposes as Attachment I. A fully executed version of this amendment will be attached hereto and incorporated herein upon full execution by both parties.

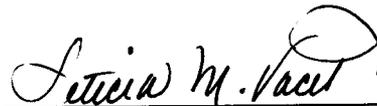
SECTION 2. In no event shall this Extension be construed as a waiver of the parties' rights, duties or obligations under the Franchise. Except as expressly modified herein, all terms and provisions of the Franchise shall remain in full force and effect, enforceable in accordance with their terms. Franchise renewal proceedings under the Cable Act have commenced and are ongoing. Each party reserves its rights under that law.

SECTION 3. This Ordinance shall take effect immediately upon passage by eight (8) affirmative votes.

PASSED and APPROVED this 24th day of June, 2004.


M A Y O R
EDWARD D. GARZA

ATTEST:



City Clerk

APPROVED AS TO FORM:


for City Attorney