

ORDINANCE NO. 4242

TITLE: AN ORDINANCE AMENDING ORDINANCE #3242 AS THE SAME PERTAINS TO THE GRANTING OF A FRANCHISE TO LIBERTY TELEVISION, INC. BY EXTENDING THE TERM OF THE FRANCHISE TO EXPIRE ON MARCH 11, 1996, AND GRANTING AN OPTION FOR AN ADDITIONAL TEN (10) YEARS UNDER CERTAIN CIRCUMSTANCES, AMENDING SECTION 12 OF SAID ORDINANCE, REMOVING THE SUPERVISION OF RATES BY THE CITY COUNCIL.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1:

Section 8 of Ordinance #3242 is hereby amended to read as follows:

"Section 8: The rights and privileges and franchise herein granted shall cease and terminate March 11, 1996. The grantee herein shall have an option for an additional ten (10) year renewal of said franchise upon giving notice to the City of the exercise of said option six (6) months prior to the termination date herein provided. In renewal of the franchise from the time granted under this option, the fees to be paid to the City, as provided in Section 10 of the Ordinance, shall be reviewed and shall be subject to renegotiation. In any event, the renegotiated fees shall not exceed the sum of SIX PERCENT (6%) of the gross revenues of the grantee.

Section 2:

Section 12 of Ordinance #3242 is hereby amended to read as follows:

"Section 12: Said grantee shall have the right to charge and collect reasonable compensation from all persons and corporations to whom said electronic transmission service shall be furnished (including installation charges), subject to the rules and regulations of legally constituted regulatory bodies of the State or Federal governments. In the event that any customer of the grantee shall cease to subscribed to the services offered by the grantee, there shall be no charge made by the grantee for disconnection of service."

Passed by the Council: January 24, 1979
Approved by the Mayor: January 24, 1979
Effective Date: February 24, 1979

This amendment accepted by the grantee this 29th day of January, 1979.

LIBERTY TELEVISION, INC.

By: Robert A. Selzer
General Counsel - Secretary

ATTEST:

[Signature]
City Recorder

Richard S. Olsen
Mayor

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A,

ORDINANCE NO. 4241

AN ORDINANCE VACATING A PORTION OF SPICER WAYSIDE ADJOINING LOTS 8, 9 & 10 OF BLOCK 3 AND LOTS 8, 9 & 10 OF BLOCK 4, SPICER WAYSIDE SUBDIVISION.

WHEREAS, the City Council of the City of Albany, did, by adoption of Resolution No. 2020, City of Albany Resolutions, at the Council meeting held on the 27th day of Dec. , 19 78 , set the hour of 7:15 p.m. o'clock on the 24th day of January , 19 79 , as the time for hearing of objections to the proposed vacation of a portion of

Spicer Wayside adjoining Lots 8, 9, & 10 of Block 3 and Lots 8, 9 & 10 of Block 4 Spicer Wayside Subdivision (a 60 foot right-of-way)

WHEREAS, the said notice has been posted and published as required by law, and

WHEREAS, the said hearing on the 24th day of January , 19 79, has been duly held and parties were given an opportunity to be heard and the Council being fully informed,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1:

That a portion of Spicer Wayside adjoining Lots 8, 9 & 10 of Block 3 and Lots 8, 9 & 10 of Block 4, Spicer Wayside Subdivision in the City of Albany is hereby vacated.

Passed by the Council: January 24, 1979

Approved by the Mayor: January 24, 1979

Effective Date: February 24, 1979

Richard S. Olsen
Mayor

ATTEST:

[Signature]
City Recorder

4241⁵

Staff Report

December 20, 1978 - HB
January 24, 1979 - CC

PUBLIC HEARING - VACATION REQUEST

Dyer Development (Lawndale Subdivision) (Journal No. VAC-7-78)

Requests vacation of a portion of Spicer Wayside adjoining Lots 8, 9 & 10 of Block 3 and Lots 8, 9 & 10 of Block 4, Spicer Wayside Subdivision in the City of Albany.

This street vacation lies within the Spicer Wayside Subdivision (recorded April 1, 1970) which is currently being proposed for re-subdivision as the Lawndale Subdivision. Lawndale Subdivision was given preliminary approval by the Planning Commission on March 13, 1978. At that time, a condition of final approval was that the developer provide all necessary easements for storm drainage, sanitary sewers, and other utilities on the final plat.

In order to provide the easement necessary for storm drainage, the developer must obtain the consent of the adjoining property owner to the south where the drainage facility will be located. That consent cannot be obtained without the vacation of this portion of Spicer Wayside.

This request pertains to that portion of Spicer Wayside which is within 298.86 feet of the existing southern terminus. The right-of-way in this area is 60 feet in width.

The staff has reviewed this request and would offer the following findings:

1. That portion of Spicer Wayside proposed for vacation is unimproved.
2. There are no public utilities within that portion of the right-of-way for which vacation is requested.

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attachment