

SANTA FE COUNTY

RESOLUTION NO. 1999- 28

1616742

RESOLUTION GRANTING A CERTIFICATE AND ACCEPTANCE OF FRANCHISE TO JONES COMMUNICATIONS OF NEW MEXICO, INC. TO OPERATE A CABLE TELEVISION SYSTEM WITHIN THE EDGEWOOD, CEDAR GROVE AND STANLEY AREAS OF SANTA FE COUNTY AND APPROVING THE TRANSFER OF A CABLE TELEVISION FRANCHISE FROM MULTIMEDIA DEVELOPMENT CORPORATON TO JONES COMMUNICATIONS OF NEW MEXICO, INC.

The following recitals are material to the adoption of this Resolution and grant of Certificate and Acceptance of Franchise:

1. The Santa Fe County Board of County Commissioners ("BCC") has jurisdiction over cable television systems pursuant to NMSA 1978, Section 62-1-3 and Ordinance No. 1993-8 (superseding Ordinance No. 1982-5).
2. In order to provide cable television service within the County of Santa Fe ("County"), a cable service company must be issued a Certificate and Acceptance of Franchise by the BCC, after a public hearing; the cable service company must agree to the reasonable terms imposed by the BCC. Ordinance No. 1993-8, Section 5.
3. Multimedia Development Corporation ("Multimedia"), currently owns and operates a cable television system serving the Edgewood area of Santa Fe County, New Mexico, pursuant to the terms of Ordinance No. 1982-5.
4. Pursuant to Ordinance No. 1982-5 and the County Land Development Code, in 1989 the BCC granted a permit to operate and maintain a cable television system to Multimedia (Resolution 1989-46).
5. The original franchise granted to Multimedia encompassed a service area of about seven square miles near the heart of Edgewood.
6. Multimedia now desires to transfer its ownership interest under the Permit to Jones Communications of New Mexico, Inc. ("Jones Communications").

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7. Pursuant to the Ordinance, Multimedia has submitted an application to transfer its permit to Jones Communications, and Jones Communications has submitted an application, and required documentation, to receive a Certificate and Acceptance Franchise and to extend the franchise service area to encompass a total of approximately forty-two miles, as shown on attached Exhibit "A."
8. Based on Jones Communications certified financial statement, Jones Communications is a financially sound organization capable of delivering the services contemplated by the permit to construct and operate a cable system.
9. Jones Communications must apply for a new franchise, under which the Permit is issued, prior to the expiration of Multimedia's existing franchise in May 2004.

NOW THEREFORE, BE IT RESOLVED that after a public hearing, the subject application for change of ownership and transfer of the permit be and is granted, effective upon the sale of the subject business from Multimedia to Jones Communications, if and only if such sale occurs within sixty days of this date, and that, upon such change of ownership and transfer, Jones Communications is further granted a Certificate and Acceptance Franchise subject to the following terms and conditions:

- A. All transmission cable within the franchise area be underground unless existing pole structures are used, unless an exception is granted by the County.
- B. That all necessary easements and permits be obtained for extension along any public rights-of-way and any other area where they may be required.
- C. That any sites for associated equipment buildings be properly zoned pursuant to Code requirements.
- D. That the applicant submit written notice to the Land Use Office upon commencement of construction of structures and cable extensions. Upon completion of the project, the applicant shall submit certification that the project has meet all the County requirements.
- E. The Franchise service area is expanded to include an approximately forty-two mile area, as shown and defined by the attached map, designated as Exhibit "A," and incorporated herein by reference.
- F. That the terms, including the expiration, of this Franchise shall be and remains the same as the Franchise permit granted to Multimedia, or unless specifically modified by Ordinance No. 1993-8, and with the exception that the service area is specifically amended herein.

G. That Jones Communications is bound by and shall adhere to all the terms and conditions set forth in Ordinance No. 1993-8, with the franchise fee being the lesser or three percent (3%) of the gross revenue collected in the unincorporated Santa Fe County franchise area or as is legally allowed under what is prescribed by state law.

H. Comply with all local, state and federal requirements.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THIS 9th DAY OF _____ MARCH, 1999.

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS



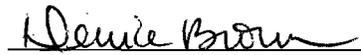
PAUL DURAN, CHAIR





Rebecca Bustamante
County Clerk

Approved as to legal form and sufficiency:



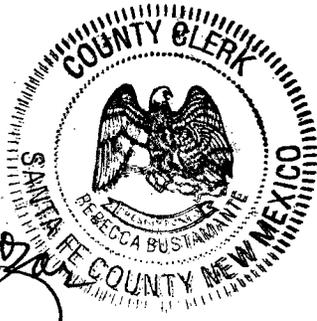
Denice Brown, County Attorney

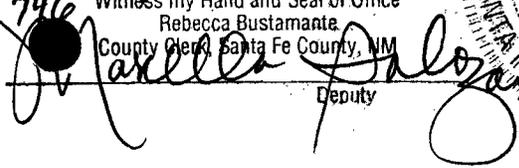
ACCEPTED BY:

JONES COMMUNICATIONS OF
NEW MEXICO, INC.



COUNTY OF SANTA FE
STATE OF NEW MEXICO 1066)
I hereby certify that this instrument was filed for) 190
record on the 13 day of Mar, A.D.
19 99 at 11:50 o'clock a. m and
was duly recorded in book 1616 page
742
746 of the records of Santa Fe County.
Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk Santa Fe County, NM





Marcella Salazar
Deputy

Jones Communication of N.M. Franchise Area

LEGEND

-  Franchise Boundary Line
-  Edgewood Incorporated Area (created 10/99)
-  GPS Roads - DRAFT STATUS
-  Major Streams and Arroyos
-  Mine Streams and Arroyos
-  BLM Land
-  State Land
-  Traditional Villages (County Zoning Designation)



Scale 1:24,000
 REDUCED COPY - NOT TO SCALE



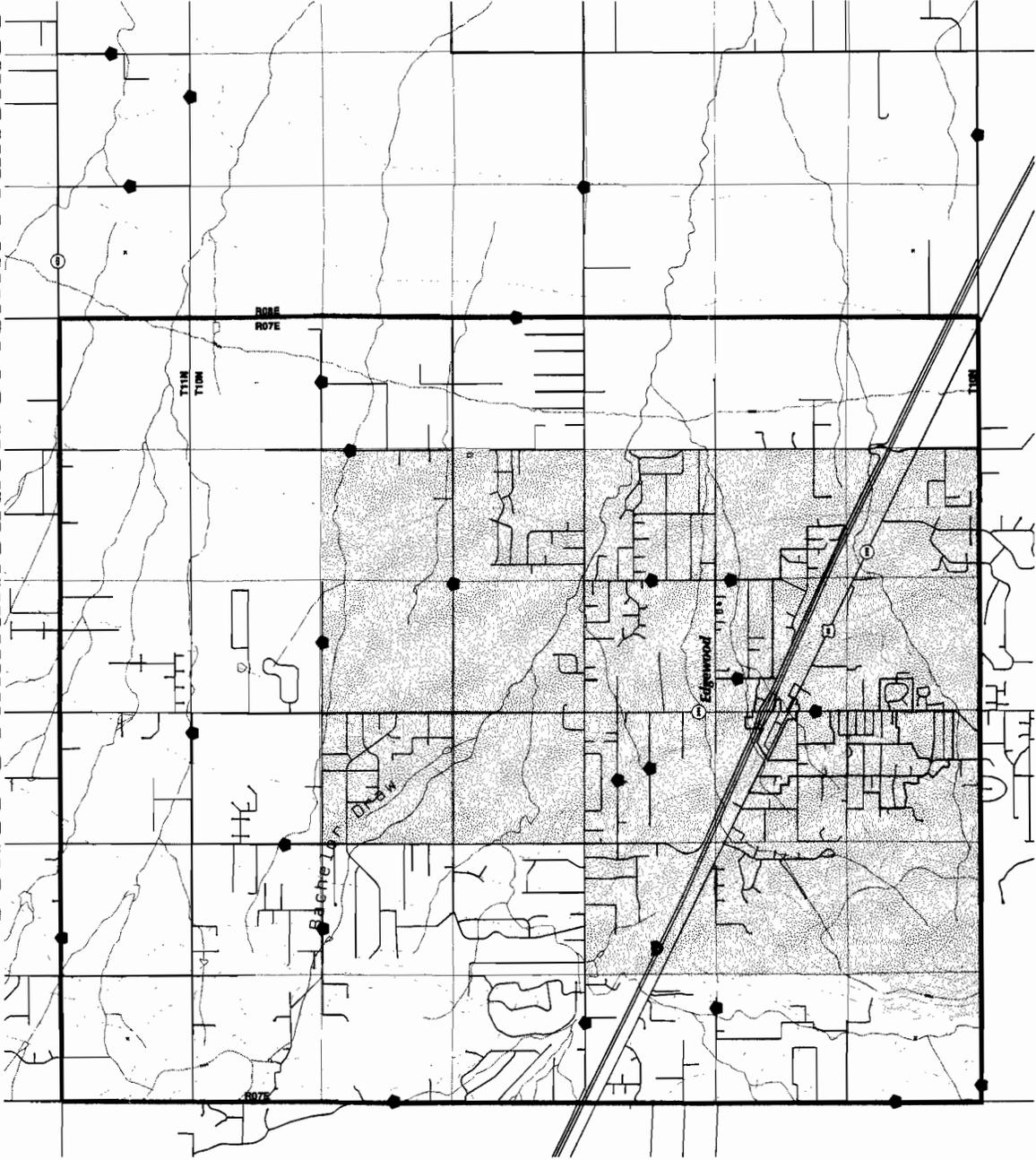
Contour Interval 50 Feet

This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users should verify the accuracy of the data when necessary.



1616746

February 19, 1999



**REFER TO ORDINANCE
#1993-8 (SUPERSEDING
ORDINANCE #1982-5)**