

SANTA FE COUNTY, NEW MEXICO

2075005

RESOLUTION 2002- 22

Introduced by:

A RESOLUTION

AMENDING RESOLUTION 1999-98 TO EXPAND THE SERVICE AREA OF  
COMCAST CABLEVISION, INC. (SUCCESSOR TO MICKELSON MEDIA, INC.) TO  
INCLUDE THE UNINCORPORATED AREA OF SANTA FE COUNTY AND TO  
INCREASE THE FRANCHISE FEES PAYABLE TO SANTA FE COUNTY.

WHEREAS, Comcast Cablevision, Inc. (Comcast) has purchased the businesses or assets  
of the cable television providers doing business in Santa Fe County under five separate  
franchise agreements; and

WHEREAS, the five franchise agreements all contain different terms and expire at  
different times; and

WHEREAS, Comcast proposed to expand the service area and increase the franchise fees  
under the most junior franchise agreement; and

WHEREAS Santa Fe County, NM Resolution 1999-98 (August 10, 1999), granted to

Mickelson Media (predecessor in interest to Comcast), expires August 10, 2019; and  
WHEREAS the Board of County Commissioners finds that amendment of Resolution  
1999-98 is in the best interest of the County.

NOW, THEREFORE, BE IT RESOLVED THAT:

Resolution 1999-98 is hereby amended as follows:

1. The Franchise area is defined as all unincorporated areas of Santa Fe County.
2. Comcast shall pay to the County a franchise fee in an amount not to exceed four percent (4%) of its annual gross revenue for the first 105 months after the effective date. Comcast shall pay to the County a franchise fee in an amount not to exceed five percent (5%) of its annual gross revenue for the remaining term of the franchise. The franchise fee provided for herein shall constitute the exclusive monetary rental payment by the Company to the County for the Company's special use and occupancy of the streets, alleys, and other public places within the boundaries of the County. Payment shall be made quarterly, within sixty (60) days following the close of each calendar quarter.
3. Notice under this Franchise shall be given as follows:  
  
To County: as per Ordinance 2000-6  
  
To Company: Comcast Cable Communications, Inc.  
Scott Binder, Area Vice President  
4611 Montbel Place NW  
Albuquerque, NM 87107
4. All remaining franchise agreements held by Comcast are hereby nullified, including, but not limited to:
  - a) The agreement entered into on July 16, 1984 by Santa Fe Cablevision, as amended or extended, and as transferred through United Cable Television, TCI and AT&T

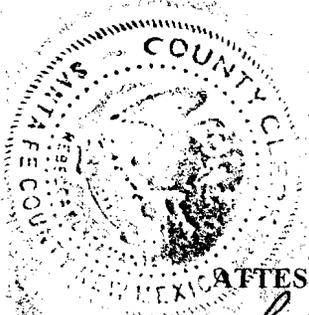
- to Comcast (Santa Fe metro area and La Cienega/La Ceineguilla).
- b) The agreement entered into July 16, 1984 by Enchanted Cable Corporation, as amended or extended, and as transferred through Mickelson Media, Century and Adelphia to Comcast.
  - c) The agreement entered into July 12, 1984 by Mickelson Media, Inc., as amended or extended, and as transferred through MMI, Century and Adelphia to Comcast (Santa Fe & Tesuque).
  - d) The agreement entered into July 12, 1984 by Mickelson Media, Inc., as amended or extended, and as transferred through MMI, Century and Adelphia to Comcast (Agua Fria, La Cienega, Dinosaur Trail, Turquoise Trail & Tesuque).
  - e) The agreement entered into in 1989 by Multimedia Development Corp. dba Sierra, as amended or extended, and as transferred through Jones Cable to Comcast (Edgewood).
  - f) Any other franchise agreement currently held by Comcast in the unincorporated area of Santa Fe County
5. No Franchise or any part thereof including the right to serve any given area, shall be assigned by the Company, except as set forth herein. Any person desiring to acquire, purchase, lease, or otherwise use any portion of a Company's franchise or facilities must apply to the County for a separate Certificate and Acceptance of Franchise. The County will not unreasonably withhold approval of a transfer of interest by the Company to any party, provided that such party meets all requirements to provide service under the Franchise as then in effect.
- Notwithstanding the foregoing, no approval by the County, and no Certificate and acceptance of Franchise, shall be required for (i) the Company's mortgage, hypothecation, grant of security interest in or other collateral assignment of any interest in the Franchise for purposes of securing any loan or other financing or (ii) any assignment of any interest in the Company by any Person or other entity holding such interest. Nothing in this Ordinance shall prohibit Companies from leasing channel space, as required by federal law. The application by the assignee or transferee shall not be deemed complete until all information, documents,

registrations and requirements of state law have been met, and the time for approval or denial of the application shall not begin to run until the application is complete.

- 6. The effective date of this resolution is March 1, 2002.
- 7. Facilities located on, upon, over and under public places shall be constructed, installed, maintained, relocated and cleared of vegetation in accordance with such reasonable requests as the County may impose from time to time on the owners of such facilities, and in accordance with reasonable aesthetic and safety concerns, at no cost to the County.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, THIS 20<sup>th</sup> DAY OF February, 2002

CHAIRPERSON,  
BOARD OF COUNTY COMMISSIONERS



ATTEST:

Rebecca Bustamante  
COUNTY CLERK



APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

[Signature]  
OFFICE OF THE COUNTY ATTORNEY

1194 280

COUNTY OF SANTA FE  
STATE OF NEW MEXICO } 95  
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED  
FOR RECORD ON THE 22 DAY OF Feb, A.D.  
20 02 AT 3:10 O'CLOCK P.M.  
AND WAS DULY RECORDED IN BOOK 2075  
PAGE 005-009 OF THE RECORDS OF  
SANTA FE COUNTY

WITNESS MY HAND AND SEAL OF OFFICE  
REBECCA BUSTAMANTE  
COUNTY CLERK, SANTA FE COUNTY, N.M.  
Marcella Salazar  
DEPUTY

ACCEPTED BY:

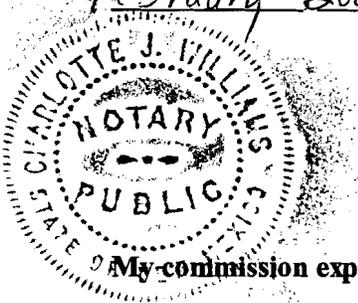
BY: Scott Binder  
Scott Binder, Area Vice President

2075009

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me on the 15<sup>th</sup> day of

February 2002, by Scott Binder.



Charlotte J. Williams  
Notary Public

My commission expires

Oct 19, 2002