

ORDINANCE NO. 844

AN ORDINANCE AMENDING STAYTON CITY ORDINANCE NO. 842 TO EXTEND THE TERM OF THE NON-EXCLUSIVE FRANCHISE OF STAYTON COOPERATIVE TELEPHONE COMPANY FROM FEBRUARY 6, 2003 THROUGH AND INCLUDING MAY 6, 2003; AND, DECLARING AN EMERGENCY.

WHEREAS, the City of Stayton has, through Ordinance No. 617, as amended by Ordinance No. 684, granted a non-exclusive franchise to Stayton Cooperative Telephone Company, an Oregon corporation, to operate a telephone system within the City of Stayton;

WHEREAS, Ordinance No. 816, and subsequently Ordinances No. 820, 828, 833, 837 and 842, have extended the franchise term to February 6, 2003; such extension to expire on that date;

WHEREAS, the effective date of this proposed Ordinance, and the franchisee's obligations thereunder, should commence February 6, 2003;

WHEREAS, the City of Stayton and Stayton Cooperative Telephone Company have been engaged in the negotiation of a successor franchise ordinance;

WHEREAS, Stayton Cooperative Telephone Company has requested in writing an additional extension of the franchise term to allow time for further legal review of the renewal franchise document tentatively negotiated by the parties;

WHEREAS, upon approval of the successor franchise by the City Council, the new franchise shall effectively supercede the previous franchise, as extended; and

WHEREAS, it is appropriate that an emergency be declared as to the enactment of this Ordinance to ensure continuity so that the franchise remains in full force and effect immediately upon its adoption by the Stayton City Council.

NOW THEREFORE, the Stayton City Council does ordain as follows:

SECTION 1. City of Stayton Ordinance No. 842, as it relates to Ordinance No. 617, Section 10, is amended to read:

Section 10. The rights, privileges and franchise herein granted shall continue and be in force effective from February 6, 2003 through and including May 6, 2003.

SECTION 2.

All other terms and conditions of Ordinance No. 617, as amended by Ordinance No. 684, shall remain unchanged.

SECTION 3.

Within thirty (30) days after enactment of this ordinance and approval by the Mayor, Stayton Cooperative Telephone Company shall file with the City Administrator for the City of Stayton a written acceptance, attached hereto as Attachment A and by this reference made a part of this ordinance, stating that Stayton Cooperative Telephone Company accepts this amendment to Ordinance No. 842 and agrees to comply with all the terms and conditions of this ordinance.

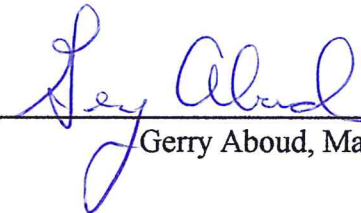
SECTION 4.

Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become immediately effective.

ADOPTED BY THE STAYTON CITY COUNCIL this 6th day of January, 2003.

CITY OF STAYTON

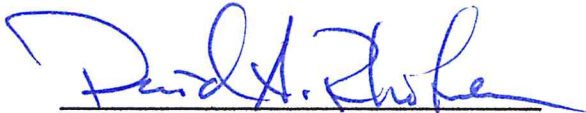
Signed: JANUARY, 7, 2003

By: 
Gerry Aboud, Mayor

Signed: January 7, 2003

ATTEST: 
Chris Childs, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney

ATTACHMENT A

ACCEPTANCE OF ORDINANCE NO. 844
City of Stayton, Oregon

TO THE MAYOR AND COUNCIL OF THE CITY OF STAYTON:

WHEREAS, on the 6th day of January, 2003, the City Council of the City of Stayton, Oregon, enacted Ordinance No. 844 which is:

AN ORDINANCE AMENDING STAYTON CITY ORDINANCE NO. 842 TO EXTEND THE TERM OF THE NON-EXCLUSIVE FRANCHISE OF STAYTON COOPERATIVE TELEPHONE COMPANY FROM FEBRUARY 6, 2003 THROUGH AND INCLUDING MAY 6, 2003; AND, DECLARING AN EMERGENCY.

WHEREAS, the ordinance was granted upon the condition that the grantee, Stayton Cooperative Telephone Company, shall, within thirty (30) days of the passage and approval of the ordinance, file with the City Administrator or the City of Stayton, its written acceptance of all terms and conditions of the ordinance:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that Stayton Cooperative Telephone Company does hereby accept Stayton City Ordinance No. 844 and all the terms and conditions of said ordinance.

IN WITNESS WHEREOF, Stayton Cooperative Telephone Company, Inc. has caused this acceptance to be duly executed this 14~~th~~ day of JANUARY, 2003.

STAYTON COOPERATIVE TELEPHONE
COMPANY

By: Don Lawrence
Don Lawrence, General Manager

Date: 1/14/03

Received by the City of Stayton:

By: CM Childs
Date: 1/21/2003