

# Resolution No. 1998-34

[\(Council Minutes 98/10/19\)](#)

## RESOLUTION NO. 1998-34

A RESOLUTION of the City Council of the City of Lakewood, Washington, approving the change of control of the cable television franchise

WHEREAS, Cable TV Puget Sound, Inc. ("Franchisee") was duly authorized to operate and maintain a cable communication system in that area of Pierce County without comprising the City of Lakewood, which original franchise was adopted by Pierce County through its Ordinance No. 83-120; and,

WHEREAS, pursuant to Pierce County Ordinance No. 95-123, Pierce County approved the transfer of the cable franchise ownership from the Franchisee to TeleCommunications, Inc., ("TCI" or parent of Franchisee); and,

WHEREAS, effective February 28, 1996, the City of Lakewood was incorporated as a Non-Charter Optional Code City, pursuant to Title 35A of the Revised Code of Washington (RCW); and,

WHEREAS, pursuant to the provisions of section 35.02.160 RCW, as it was in effect on February 28, 1996, the cable television franchise referred to above was canceled, provided that TCI is permitted to continue operation of the franchise under the same terms and conditions for a period not less than the remaining term of the original franchise or five (5) years, whichever is shorter; and,

WHEREAS, pursuant to an agreement and plan of restructuring and merger among AT&T Corp. ("AT&T"), a newly formed wholly owned subsidiary of AT&T, and TCI, which agreement and plan was dated June 23, 1998, AT&T is to merge with and into TCI, with TCI being the surviving corporation in the merger and as a result of the transactions contemplated by the merger agreement, TCI will become a wholly owned subsidiary of AT&T; and,

WHEREAS, TCI, will continue to hold franchise rights after consummating the transaction to the extent provided by law and in accordance with the provisions of RCW 35.02.160; and,

WHEREAS, FCC Form 394, with respect to the transactions referred to here and above, has been filed with the City of Lakewood; and,

WHEREAS, TCI and AT&T have requested consent by the City of Lakewood to the above-described transactions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON HEREBY RESOLVES, as Follows:

Section 1. That the City of Lakewood consents to and approves the above-described merger and related transactions, provided that this approval does not change or modify any terms or conditions of the operative franchise rights as indicated by RCW 35.02.160.

Section 2. That this Resolution shall be in full force and effect upon passage and signatures hereon.

PASSED by the City Council this 19th day of October, 1998.

CITY OF LAKEWOOD

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Bill Harrison, Mayor

Attest:

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Alice M. Bush, CMC, City Clerk

Approved as to Form:

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Daniel B. Heid, City Attorney

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