

## **ANALYSIS**

This ordinance amends a franchise held by Time Warner Entertainment Company, L.P., a Delaware limited partnership ("Time Warner"), to operate a cable television system in the unincorporated area of Stevenson Ranch, granted by Ordinance No. 88-0164F, as amended, to add territory and eliminate requirements concerning distribution of franchise fee payments.

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By  
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GVC:ss

4/24/06 (requested)

4/24/06 (revised)

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending a franchise to operate a cable television system to provide cable television service in the Stevenson Ranch unincorporated area, granted to Time Warner Entertainment Company, L.P., a Delaware limited partnership, to add territory and eliminate requirements concerning distribution of franchise fee payments.

The Board of Supervisors of the County of Los Angeles ordains as follows:

**SECTION 1.** Section 2 of Ordinance No. 88-0164F, as amended, is hereby amended to read as follows:

**Section 2.** Franchisee is hereby authorized to locate its Facility for a System in, under, along, over, or on any and all service areas, highways, public properties, and public easements located within the following described Service Area within the unincorporated territory of the County of Los Angeles, State of California, and as depicted in the maps attached as Exhibit A:

A. Stevenson Ranch – Area A

That portion of the unincorporated territory of the County of Los Angeles, State of California, within the following described boundaries:

~~Parcels 1 to 4 inclusive, Parcel Map No. 15955, in the unincorporated territory of the County of Los Angeles, State of California, as shown on map filed in Book 188, pages 90 to 95 inclusive, of Parcel Maps, in the office of the Registrar-Recorder of said County, and those portions of Fractional Sections 5 and 6, Township 3 North, Range 16 West, S.B.M., within the following described boundaries:~~

~~Beginning at the Northeasterly corner of said Fractional Section 6; thence southerly along the easterly line of said Fractional Section 6 to the northerly line of the southeast quarter of the northeast quarter of said Fractional Section 6; thence westerly along said northerly line to the westerly line of said southeast quarter; thence southerly along said westerly line and the westerly line of the east half of the southeast quarter of said Fractional Section 6 to the southerly line of said Fractional Section 6; thence easterly along said southerly line to the southeasterly corner of said Fractional Section 6; thence northerly along the easterly line of said Fractional Section 6 to the southerly line of the south half of the northwest quarter of said Fractional Section 5; thence easterly along said last mentioned southerly line to the westerly line of the northeast quarter of the southwest quarter of said Fractional Section 5; thence southerly and easterly along the westerly and southerly lines of said last mentioned northeast quarter to the easterly line of the west half of said Fractional Section 5; thence northerly along said last mentioned easterly line to the northerly line of said Fractional Section 5; thence westerly along said last mentioned northerly line to the point of beginning.~~

Beginning at the most northwesterly corner of Lot 73 of Tract No. 43896-07, filed in Book 1259, pages 60 to 67, inclusive, of maps in the office of the recorder of the said County; thence southerly along the easterly line of said Lot 73 to the northerly line of lot 72 of said tract; thence westerly in a direct line to the northwesterly corner of Lot 26 of said tract; thence southerly in a direct line to the northwesterly corner of Lot 14 of Tract No. 43896, as shown on map filed in Book 1260, pages 29 to 34 inclusive, of said maps; thence southerly in a direct line to the northwesterly corner of Lot 15 of said last

mentioned tract; thence southerly along the easterly boundary of said last mentioned tract to the northwesterly corner of Lot 20 of Tract No. 43896-04, as shown on map filed in Book 1257, pages 28 to 36, inclusive, of said maps; thence southerly, easterly, northerly, and easterly along the boundary of said last mentioned tract to the westerly corner of Lot 6 of Tract No. 43896-05, as shown on map filed in Book 1256, pages 23 to 28, inclusive, of said maps; thence easterly in a direct line to the southeasterly corner of Lot 7 of said last mentioned tract; thence easterly, southerly, easterly, and northerly along the boundary of said last mentioned tract to the southeasterly corner of Lot 25 of Tract No. 43896-06, as shown on map filed in Book 1259, pages 12 to 15, inclusive, of said maps; thence northerly along the boundary of said last mentioned tract to the most easterly, southeasterly corner of Lot 56 of Tract No. 43896-02, as shown on map filed in Book 1248, pages 80 to 87, inclusive, of said maps; thence northerly and westerly along the boundary of said last mentioned tract to the easterly terminus of that certain course having a bearing and length of N 88°12'32"E 7453.39 feet in the southerly boundary of Parcel 2 of Parcel Map No. 15955, as shown on map filed in Book 188, pages 90 to 95, inclusive, of parcel maps, in the office of the said recorder; thence northeasterly along the boundary of said parcel map and following the same in all its various courses and curves to the northerly corner of Parcel 4 of said parcel map; thence southwestery, southerly, southeasterly, and southerly along the westerly boundary of said parcel to the boundary of said parcel map; thence easterly along said last mentioned boundary to the point of beginning.

B. Stevenson Ranch – Area B

That portion of the unincorporated territory of the above mentioned County within the following described boundaries:

Beginning at the intersection of the westerly boundary of the County of Los Angeles, as same existed on November 22, 2000, with the westerly prolongation of the northerly line of Lot 3, Fractional Section 2, Township 2 North, Range 17 West, S.B.M., said intersection being a point in the boundary of the County of Los Angeles; thence easterly along said westerly prolongation and said northerly line and its easterly prolongation to the generally westerly boundary of the City of Los Angeles, as same existed on said date; thence southerly along said boundary of the City of Los Angeles and following the same in all its various courses and curves to its first intersection with said westerly boundary of the County of Los Angeles; thence northerly along said last mentioned boundary of the County of Los Angeles to point of beginning.

C. No later than July 15, 2006, Franchisee shall submit to the County a detailed written report explaining its plans for the provision of cable services to residents located within the boundaries of the designated franchise Area B. This report shall include the following information with respect to Area B: the number of homes within its boundaries, the number of homes that will be able to receive cable services from the Franchisee's System by December 31, 2006, and a proposed cable service availability timeline for any home or homes not scheduled to be able to receive cable service from the Franchisee's System by December 31, 2006.

**SECTION 2.** Section 3.A. of Ordinance No. 88-0164F, as amended, is hereby amended to read as follows:

**Section 3.A.** As consideration for the franchise granted, Franchisee shall pay to the County in lawful money of the United States, during the life of the franchise for each and every year, including the year of granting the Franchise, according to the "franchise payment period" as defined in the County Code, five per-cent (5%) of the gross revenues from the provision of cable service, derived from the authorized franchise area, ~~that are received by Franchisee pursuant to Section 16.58.320 of the County Code.~~

Said percentage shall be computed as follows:

a. Franchisee shall pay a monthly fee beginning within thirty (30) days after the initiation of cable service, of two hundred-fifty dollars (\$250.00), said fee to be applied to the franchise fee as provided in subparagraph b, infra.

b. Annually the Franchisee shall pay the percentage fee of five percent (5%) of its gross revenues by the amount it exceeds the total minimum monthly fee paid during the franchise payment period. Any excess amount shall be credited to the following year's franchise fee and shall be deducted from the minimum monthly payment.

B. Franchisee shall make the monthly payment required herein payable in advance on the first day of each month during the life of the franchise. In addition, Franchisee shall make the annual percentage payment concurrently with the filing of the reports required by Section 16.60.180 of the County Code, which shall be filed within

sixty (60) days after the expiration of each franchise payment period during the life of the franchise.

~~Said franchise fee payments shall be distributed by County as follows:~~

- ~~1. Three percent (3%) of the gross revenues to County;~~
- ~~2. Two percent (2%) of the gross revenues shall be placed in an interest bearing trust fund account as approved by the Auditor-Controller of County.~~

C. Commencing January 1, 1990, the monthly prepayment amount provided for herein shall be subject to an annual readjustment on each January 1st for the remainder of the term of the franchise. Franchisee shall recalculate the monthly prepayment amount to provide that said monthly prepayment amount shall be in an amount equal to ninety percent (90%) of the annual franchise fee payment due to the County for the preceding calendar year, said annual franchisee fee amount to be prorated by twelve to determine the monthly prepayment amount to be paid during the current year.

D. Franchisee and Director may mutually agree to modify the method of monthly payments to offset the annual franchise fee payment. Any such modification shall consider the annual franchise period as being based on a calendar year.

[TimeWarnerStevensonRanchExtGCCC]