

## ORDINANCE NO. 14-85

AN ORDINANCE OF THE VILLAGE OF SPENCER, OHIO AMENDING PREVIOUS ORDINANCE NO. 6-85 FOR THE GRANTING OF A CABLEVISION FRANCHISE TO GRANT CABLEVISION CO. AND DECLARING AN EMERGENCY

WHEREAS, Grant Cablevision has not yet accepted from the Village of Spencer its offer of a cablevision franchise under the Village of Spencer Ordinance No. 6-85; and

WHEREAS, the Village of Spencer and Grant Cablevision Co. have had disagreement concerning the indemnity language of Section 13 of Ordinance No. 6-85 but such disagreement as to language has now been resolved;

NOW THEREFORE, BE IT ORDAINED, by the Council of the Village of Spencer, Ohio, three-fourths (3/4) of its members concurring herein as follows:

1. Ordinance No. 6-85 is hereby amended so that Section 13 of said Ordinance shall read as follows:

"Section 13.A Grant Cablevision Co., by its acceptance of the within franchise agrees to indemnify, keep and save the Village free and harmless from liability on account of injuries or damage to persons or property arising out of construction, maintenance, repair, and operation of its cable television system and/or closed circuit electronic system. In the event that suit shall be brought against the Village either independently or jointly with the Grantee on account thereof, the Grantee upon notice by the Village, shall defend the Village in any such suit at the cost of the Grantee, and, in the event of final judgment being obtained against the Village either independently or jointly with the Grantee, the Grantee shall indemnify the Village and pay such judgment with all costs and hold the Village harmless

therefrom.

"Section 13.B Grantee further agrees by its acceptance of the within franchise to pay all expenses incurred by it in defending itself and the Village with regard to all damages and penalties mentioned in sub-section A above. These expenses shall include all out of pocket expenses, such as attorney fees; and shall also include the reasonable value of any services rendered, upon the request of the Grantee, by the Village's attorney or his assistants or any any employees of the Village or its agents."

2. Section 9 of Ordinance No. 6-85 is hereby defined to mean that Grantee shall have sixty (60) days to give notice in writing of its acceptance of the within franchise from the date of the within Ordinance.

3. In all other respects, Ordinance No. 6-85 shall remain in full force and effect in accordance with its terms and conditions as originally passed.

4. This Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, safety, and welfare of the Village of Spencer, Ohio and for the particular reason that earliest possible commencement of cablevision's services requires immediate passage of this Ordinance, and that this Ordinance shall be in full force and effect after its passage.

PASSED: August 28, 1985

  
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Mayor

ATTEST:

  
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Clerk