

Push to Survive!

Learn CPR for Free at Fire Station 105

780 East 12300 South

September 3,9,16,21 and 27 6:00pm to 7:00pm

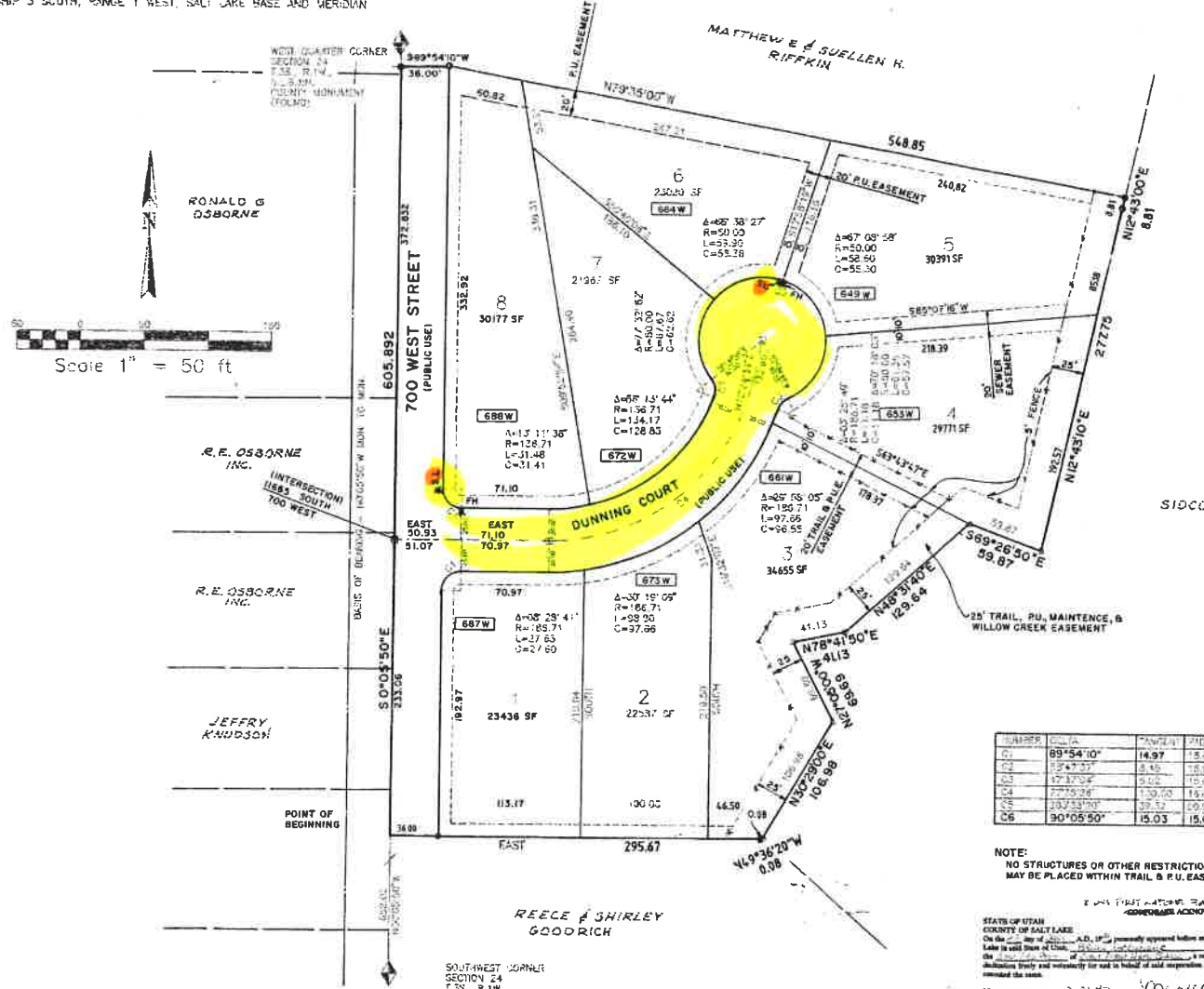
Please join us, learn, and meet your firefighters

www.pushtosurvive.org

Per legend at bottom center (signed/approved 8 August 3 Sept 1996)
 Plan indicates two (2) street lights to be installed.
 A. One street light (SL) at southwest corner of parcel #8.
 B. One street light (SL) on property line at street between parcels #5 and #6.

TIME SQUARE SUBDIVISION

A SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASIN AND MERIDIAN



NUMBER	AREA	PERCENT	PERCENT	PERCENT	PERCENT
01	89°54'10"	14.97	15.00	23.54	21.20
02	174°17'	5.49	10.00	15.00	14.33
03	67°17'34"	0.00	10.00	15.00	15.11
04	77°10'36"	13.00	14.71	21.00	20.24
05	187°23'50"	29.52	20.00	24.32	21.81
06	90°05'50"	15.03	15.00	23.59	21.23

NOTE:
 NO STRUCTURES OR OTHER RESTRICTIONS
 MAY BE PLACED WITHIN TRAIL & R.U. EASEMENTS.

STATE OF UTAH
 COUNTY OF SALT LAKE
 I, Matthew E. Sullen H. Riffkin, a duly licensed and duly qualified Surveyor, do hereby certify that I am a registered Civil Engineer and Land Surveyor and that I hold Certificate No. 14417 as prescribed under the laws of the State of Utah. I further certify that by the authority of the owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as

SURVEYOR'S CERTIFICATE

I, RALPH E. GOFF, DO HEREBY CERTIFY THAT I AM A REGISTERED CIVIL ENGINEER AND OR LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 14417 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFER TO BE KNOWN AS

TIME SQUARE SUBDIVISION

AND THAT SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT. I FURTHER CERTIFY THAT ALL LOTS MEET THE FRONTAGE, WIDTH AND AREA REQUIREMENTS OF THE APPLICABLE ZONING ORDINANCE.

LEGAL DESCRIPTION

BEGINNING AT A POINT WHICH IS 80°05'50"W, 652.02 FEET ALONG THE SECTION LINE FROM THE SOUTHWEST CORNER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASIN AND MERIDIAN; AND RUNNING THENCE EAST 295.07 FEET TO THE CENTERLINE OF WILLOW CREEK; AND RUNNING ALONG THE CENTERLINE OF WILLOW CREEK AS SET FORTH IN THAT CERTAIN 1489, IN THE SALT LAKE COUNTY RECORDERS OFFICE THE FOLLOWING BOUNDARY AGREEMENT RECORDED AS ENTRY #3246760 IN BOOK 4824 ON PAGE COURSES: 84°16'30"W, 0.00 FEET; THENCE 83°19'00"W, 106.98 FEET; THENCE 82°03'00"W, 69.69 FEET; THENCE 87°41'50"W, 41.13 FEET; THENCE 84°31'40"W, 129.64 FEET; THENCE 86°26'50"W, 59.87 FEET; THENCE 81°41'10"W, 277.75 FEET; THENCE 81°43'00"W, 8.81 FEET; THENCE LEAVING SAID WILLOW CREEK AND RUNNING 87°15'00"W, 548.85 FEET; THENCE 88°34'10"W, 36.00 FEET TO THE SECTION LINE; THENCE 80°05'50"W, 605.892 FEET TO THE POINT OF BEGINNING.

COMPASS: 5.9748 DECS

OWNERS DEDICATION

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

IN WITNESS WHEREOF, THE SAID OWNERS HAVE HERETO SIGNED THESE

MANITORS: 9th DAY OF September, A.D. 1996
Ralph E. Goff
Matthew E. Sullen H. Riffkin
Jeffrey Knudson
R.E. Osborne Inc.
R.E. Osborne Inc.
Reece & Shirley Goodrich

CORPORATE ACKNOWLEDGEMENT

ON THE 9th DAY OF September, A.D. 1996, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF SALT LAKE IN SAID STATE OF UTAH, Ralph E. Goff, Matthew E. Sullen H. Riffkin, Jeffrey Knudson, R.E. Osborne Inc., R.E. Osborne Inc., Reece & Shirley Goodrich, ALL OF WHOM ARE THE OWNERS OF SAID PARCELS OF LAND SHOWN ON THIS PLAT AND WHO HAVE SIGNED THE OWNERS DEDICATION AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES HEREIN MENTIONED AND THAT SAID CORPORATION CONSENTED TO THE SAME.

PLAT PREPARED BY RALPH GOFF AND ASSOCIATES 118 23RD WEST STREET MOBILE, UT 84020 801-599-0221	P.O. Box 186 Draper, Utah 84020 (801) 599-0221	WE THE UNDERSIGNED HEREBY CERTIFY THAT THE EASEMENTS NOTICED ARE SUCH AS U.S. WEST UTILITY POWER MOUNTAIN PUEB MONUMENT TO BE SET R.U. EASEMENTS UNLESS OTHERWISE NOTED FRONT SETBACKS ARE 10.00 FEET FRONT YARD SETBACKS ARE 7.5 FEET THE YARDIS TO BE INSTALLED W/IN 100 FEET TO BE INSTALLED	PLANNING COMMISSION APPROVED THIS <u>8th</u> DAY OF <u>August</u> , A.D. 19 <u>96</u> BY THE DRAPER CITY PLANNING COMMISSION <u>Ron Rasmussen</u> CHAIRMAN, DRAPER CITY PLANNING COM.	SEWER DISTRICT NO. 1 APPROVED THIS <u>3rd</u> DAY OF <u>September</u> , A.D. 19 <u>96</u> <u>William A. Harty</u> DISTRICT ENGINEER, S.D. 1	CITY ENGINEER APPROVED AS TO COMPLIANCE WITH DRAPER CITY ORDINANCES <u>8/19/96 Mike Mahalan</u> CHIEF CITY ENGINEER	CITY ATTORNEY APPROVED AS TO FORM THIS <u>4th</u> DAY OF <u>September</u> , A.D. 19 <u>96</u> <u>Matthew E. Sullen H. Riffkin</u> DRAPER CITY ATTORNEY	CITY APPROVAL PRESENTED TO DRAPER CITY THIS <u>8th</u> DAY OF <u>September</u> , A.D. 19 <u>96</u> AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED <u>Matthew E. Sullen H. Riffkin</u> ATTORNEY DRAPER CITY CLERK <u>Ernie Redd</u> DRAPER CITY CLERK	RECORDED # <u>6449538</u> STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF DRAPER CITY DATE <u>9-6-96</u> TIME <u>4:37 PM</u> BOOK <u>96-99</u> PAGE <u>302</u> <u>Ralph E. Goff</u> SALT LAKE COUNTY RECORDER
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DRAWING NUMBER

DRAWING NUMBER

DRAWING NUMBER
 96-99-302

DRAWING NUMBER

250 Bell Plaza, Suite 1603
Salt Lake City, Utah 84111



Via Email

August 17, 2015

Mayor Walker and Draper City Council Members
1020 E. Pioneer Rd
Draper, UT 84020

Dear Mayor Walker and Council Members:

CenturyLink truly appreciates the City placing the cable franchise between Qwest Broadband Services, Inc. d/b/a CenturyLink (CenturyLink) and the City of Draper on its August 18, 2014 Agenda. CenturyLink is hopeful that the Council will move forward in approving the agreement without change; any further delay in implementing the agreement could eliminate, or certainly delay the benefits of competition for the City and its residents.

The 30 year incumbent monopoly cable provider claims it “welcomes” competition. However, the welcome mat is out only if the City places unnecessary, and potentially unlawful, restrictions on CenturyLink’s franchise. In its letter dated August 14, 2015, Comcast attempts to give the Council the impression that a build out requirement is required by federal law, and this simply is not the case.¹ Comcast’s assertions ignore the following essential facts:

- City Staff negotiated a fair, appropriate and nondiscriminatory agreement with CenturyLink through an arm’s length process motivated by a desire to bring meaningful, facilities based video competition to the City and its residents.
- Comcast, the monopoly provider, interjected itself in the process to delay, confuse, and create barriers for CenturyLink to enter the market.
- Any additional requirements could delay and/or act as a barrier to entry. During negotiations, the parties agreed that a build requirement should not be included. A build requirement in Draper is unnecessary, and would act as a barrier to entry.
- Residents should not be deprived of the benefits of competition.
- CenturyLink will make a substantial investment in the region to deliver a new digital TV platform and increased broadband speeds. Increased investment and broader deployment of high speed internet services will contribute to economic development.
- Other local jurisdictions have approved franchises for CenturyLink with very similar conditions as that presented in the franchise agreement currently up for approval in Draper. The local jurisdictions that have already approved a CenturyLink franchise without a build requirement include Salt Lake County, Salt Lake City, South Jordan, and West Jordan. In some of these cases Comcast also tried to delay and/or create barriers to entry by making all of the same arguments as it set forth in its August 14, 2015 letter to Mayor Walker.

¹ See, FCC Report and Order, FCC 06-180, March 5, 2007 (hereinafter referred to as the “FCC Order”) (https://apps.fcc.gov/edocs_public/attachmatch/FCC-06-180A1.pdf).

250 Bell Plaza, Suite 1603
Salt Lake City, Utah 84111



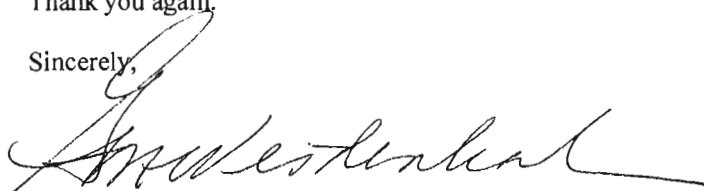
The incumbent's level playing field argument is misguided. Other cable companies have recognized competition, and not opposed CenturyLink's franchises in many other jurisdictions (including no build franchises). The FCC recognizes that cable operators have demanded a "level-playing field" in order to "increase the financial burden and risk for the new entrant."² "It is not reasonable to impose incumbent provisions on a second entrant "given the circumstances surrounding competitive entry are considerably different than those in existence at the time incumbent cable operators obtained their franchises."³ "Incumbent cable operators originally negotiated franchise agreements as a means of acquiring or maintaining a monopoly position."⁴ Requiring the same conditions on a second entrant would make entry prohibitively costly.⁵

Lastly, Comcast alleges that CenturyLink may "red line". This allegation is offensive, and made without any basis in reality. CenturyLink is providing its service in numerous markets, most without any build requirement. Despite not having a build requirement, there is no evidence that CenturyLink has participated in red lining. Comcast claims that its agreement references 47 U.S.C. 541(a)(3), and prohibits discrimination. This provision of federal law is applicable to CenturyLink's service, and it is very misleading to claim that CenturyLink may somehow discriminate simply because the CenturyLink agreement does not restate a matter of federal law.

CenturyLink appreciates the Council's consideration of its negotiated franchise, and seeks its approval without any further conditions. Any further conditions on CenturyLink's franchise could delay, and/or prevent entry into the market, all to the benefit of Comcast, and to the detriment to the residents of Draper.

Thank you again.

Sincerely,



Georganne Weidenbach
State & Local Government Affairs Director, Utah
801-237-3101

cc:
Mike Barker - Deputy City Attorney
David Dobbins - City Manager
Rachelle Conner - Draper City Recorder

² FCC Order, Par. 34.

³ FCC Order, Par. 26.

⁴ *Id.*

⁵ *See, Id.*