

Esc Kingsley
Records

City of Kingsley, Kentucky
Ordinance # 2
Series 1961

AN ORDINANCE CREATING A FRANCHISE FOR THE ERECTION OF POLES AND FOR STRINGING AND MAINTAINING WIRES AND FOR LAYING AND MAINTAINING GAS PIPES AND THE NECESSARY CONDUITS AND MANHOLES IN, ALONG AND ACROSS THE PUBLIC WAYS, ROADS, STREETS, ALLEYS AND OTHER PUBLIC PLACES IN THE CITY OF KINGSLEY, KENTUCKY; FOR FURNISHING AND SELLING ELECTRICITY BY MEANS OF SAID WIRES; FOR FURNISHING AND SELLING GAS FROM SAID PIPES; AND ALSO PROVIDING FOR THE SALE OF SAID FRANCHISE.

The Board of Trustees of the City of Kingsley, Kentucky,
does ordain as follows:

FIRST. There is hereby created a franchise for the erection of poles and for stringing and maintaining wires for the transmission and sale of electricity and for laying and maintaining gas pipes for the transmission and sale of gas in, along and across the public ways, roads, streets, alleys and other public places in the City of Kingsley, Kentucky, and for constructing the necessary conduits and manholes for the installation of said wires and pipes, and for selling electricity by means of said wires, and selling gas from said pipes. Such gas or electricity may be conveyed through the said City and to any other town or to any portion of the County or to any other county.

SECOND. The person, firm or corporation which shall become the purchaser of this franchise, or any successor or assignee of such person, shall for brevity hereinafter be spoken of as the "Company" herein, and the public ways, roads, streets, alleys, and other public places of the City of Kingsley, Kentucky, shall for brevity hereafter be spoken of herein as the "streets".

THIRD. The Company acquiring this franchise shall have the right to erect and maintain poles and conduits in, along, across and over the said streets, and to string and maintain wires thereon for the transmission of electric current, and the Company shall also have

the privilege of laying and maintaining gas mains and pipes, in, along, under and across the said streets, and to transmit and sell gas through said pipes. Before beginning the construction of any new line of pipes, poles or conduits under this franchise, the Company shall prepare a plat showing the location of the work to be done and a brief description showing the manner in which it is to be done, which plan and specification shall be presented to the City Board for approval by it. After the work is completed, the City Board shall have the right to examine it and in case it finds that the work has not been done in accordance with the plans and specifications approved by it, the Company shall, at its own expense, make such changes as will cause the work to conform to the plans and specifications approved by the Board. The work shall be done in a workmanlike manner and so as not to unnecessarily interfere with the public use of any of said streets. Wherever the surface of any street is opened, it must be restored at the expense of the Company within a reasonable time to as good condition as it was prior to the opening thereof.

FOURTH. The Company acquiring this franchise, and its successors and assigns, shall indemnify the City of Kingsley, Kentucky, for any and all damage that may legally arise from the presence or operation of its pipes, poles, wires or appliances so constructed or maintained on or along said streets, and defend all actions which may be brought against the said City by reason of or arising out of the construction or operation of said gas or electric lines.

FIFTH. The franchise hereby created shall continue for a period of twenty (20) years from and after the date the same shall become effective, but it is not exclusive, and the City reserves the right to sell similar franchises to others.

SIXTH. It shall be the duty of the Clerk of said City as soon as practicable after the passage of this ordinance to advertise the sale of the franchise as herein set out for a period of ten (10) days by written or printed notice posted in three (3) of the most conspicuous places in said City, and advertise the sale of the franchise once a week for three successive weeks in the Louisville Times so that final publication shall appear not later than two days before the day on which the sale will occur and not sooner than some day during the week preceding the week in which the sale shall take place. Said notice and newspaper advertisement shall state when said Clerk shall sell said franchise at public auction to the highest and best bidder, giving the time and place of sale. In said advertisement and notice, the right of the Board of Trustees of said City to reject any and all bids shall be reserved. The newspaper publication shall describe the franchise to be sold and any special provisions. The Clerk shall sell said franchise in accordance with said notice and advertisement. Said Board of Trustees may accept that bid which in its judgment is the highest and best. No bid shall be accepted of less than \$50.00, which amount is fixed as the upset price for said franchise. The bidder to whom said franchise or privilege shall be awarded shall within ten (10) days after the acceptance of its bid by the Board of Trustees of said City pay the amount of said bid to the Treasurer of said City.

SEVENTH. In case the successful bidder for said franchise shall fail within thirty (30) days after its bid shall have been accepted to comply with the provisions of this ordinance, the Clerk of said City shall again advertise said franchise for sale in the manner in which the first sale was made, and shall again sell said franchise in

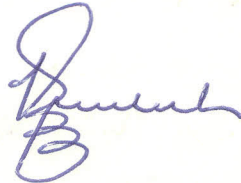
the manner and upon the same conditions and requirements as the original sale of said franchise was made, except that no sale shall be made to the bidder who had failed to perform the terms of said first sale.

EIGHTH. The Company agrees to charge such rate or rates as may from time to time be fixed by the Public Service Commission of Kentucky or any successor regulatory body.

NINTH. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

TENTH. This ordinance shall take effect from and after its passage and publication.

Approved the 10th day of February, 1961.



Chairman, Board of Trustees

ATTEST:

St. J. Naed
Clerk of the Board of Trustees
City of Kingsley