

ORDINANCE NO. 442-1989

GRANTING AND OFFERING FOR SALE A 20-YEAR FRANCHISE TO PLACE GAS TRANSMISSION AND DISTRIBUTION FACILITIES IN PUBLIC STREETS AND PLACES OF THE CITY OF DRY RIDGE, GRANT COUNTY, KENTUCKY

THE COUNCIL OF THE CITY OF DRY RIDGE, GRANT COUNTY, STATE OF KENTUCKY, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City hereby grants and offers for sale to the successful bidder, its successors and assigns, a franchise, consent, right, and privilege for a period of 20 years starting from the date of acceptance of the bid of the successful bidder, to construct, reconstruct, lay, erect, extend, operate, maintain, repair, replace, adjust, and remove (collectively called install or installation) mains, pipes, regulators, apparatus, fixtures, and equipment for the transmission and distribution of gas (collectively called facilities) within, along, over, under and across the public streets, alleys, ways, places, lands, and grounds of the City (collectively called public property). Such transmission and distribution shall include the transmission and distribution of gas into, through, and out of the City. The successful bidder is hereby authorized to open public property of the City and shall not encumber public property by temporary obstructions or excavations any longer than shall be necessary in the accomplishment of such purposes, and upon completion of such work, the successful bidder shall restore such property as near as practicable to its former condition. If the successful bidder shall neglect to restore any public property to its former condition or to repair the same after ten (10) days' written notice from the City Administrator, then the Council of the City may cause such work to be done and all expenses involved by such work shall be borne by the successful bidder.

If during the franchise period the City constructs or relocates public property, sewer lines, water lines, or other utilities owned by it and located within the boundaries of any public property, and such construction or relocation cannot be reasonably accomplished without interference with the facilities of the successful bidder, the successful bidder shall, within a reasonable time after receiving written request from the City Administrator, move or relocate the same within the public property so as not to interfere therewith; but the successful bidder shall not be required to terminate any service provided by its facilities. Where such moving or relocation of the successful bidder's facilities is required, the successful bidder's right to be reimbursed for such moving or relocation will be determined by the applicable law concerning reimbursement on the basis of governmental and proprietary activities of the City or any then current law.

SECTION 2. The successful bidder shall defend and indemnify the City against any suit or claim for any expense or liability whatsoever by reason of the sole negligence of the successful bidder arising out of the construction, maintenance, or operation of its facilities.

SECTION 3. The word City means the City of Dry Ridge, Grant County, Kentucky, its successors and assigns, as it now exists or as changed through annexation, reduction of its boundaries, merger, consolidation, or other similar proceedings.

SECTION 4. The City Clerk is hereby directed to advertise, as provided by law, for bids for this franchise, such bids to be received by City Council at its regular meeting to be held at 7:30 P.M. on the 1st day of May, 1989. Each bid shall be sealed and marked "Bid for Gas Franchise", and shall be opened by City Council at such regular meeting.

SECTION 5. This ordinance and the bid accepted by the City Council shall take effect and be in force from and after the earliest period allowed by law, and upon passage of the Ordinance accepting the bid, shall become a binding contract according to its terms between the City and the successful bidder.

FIRST READING: March 6, 1989
SECOND READING: April 3, 1989

PASSED: April 3, 1989

Norman Ferguson
MAYOR

ATTEST: Cindy L. Harris
CLERK

AUTHENTICATION

I, Cindy L. Harris, Clerk of the Council of the City of Dry Ridge, Grant County, Kentucky, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 442-1989 passed by Council of said City on the 3rd day of April, 1989, and recorded in the official journal of said City.

Given under my hand and the seal of the City of Dry Ridge, Grant County, Kentucky, this 3rd day of April, 1989.

Cindy L. Harris
CLERK