

AN ORDINANCE PROVIDING FOR THE LETTING AT PUBLIC BIDDING OF A FRANCHISE, RIGHT AND PRIVILEGE OF ENTERING IN AND UPON THE STREETS, ALLEYS AND HIGHWAYS AND PUBLIC PLACES OF THE CITY OF DRY RIDGE, A MUNICIPAL CORPORATION OF THE FIFTH CLASS SITUATED IN GRANT COUNTY, KENTUCKY, TO ERECT AND MAINTAIN A TELEPHONE AND GENERAL COMMUNICATIONS SYSTEM; TO ERECT, PLACE AND MAINTAIN POLES, CROSSARMS, WIRES, CABLES AND OTHER AERIAL FIXTURES; TO PLACE AND MAINTAIN BURIED CABLES AND WIRES AND TO CONSTRUCT AND MAINTAIN UNDERGROUND CONDUITS, MANHOLES, AND OTHER UNDERGROUND FIXTURES AND TO PLACE AND MAINTAIN THEREIN CABLES, WIRES AND EQUIPMENT; AND TO CONSTRUCT, PLACE AND MAINTAIN SUCH OTHER APPURTENANCES AS MAY BE NECESSARY TO OPERATE SAID SYSTEM FOR THE PURPOSE OF FURNISHING TELEPHONE AND GENERAL COMMUNICATIONS SERVICES BY MEANS OF WIRES, RADIO OR RELATED OR APPROPRIATE FACILITIES TO SUBSCRIBERS AND CUSTOMERS FOR A TERM OF TWENTY YEARS AND TO PROVIDE THE TERMS AND CONDITIONS OF GRANTING SUCH FRANCHISE, RIGHT AND PRIVILEGE TO THE HIGHEST AND BEST BIDDER THEREFOR.

BE IT ORDAINED BY THE CITY OF DRY RIDGE,  
KENTUCKY:

SECTION 1

The City Clerk of the City of Dry Ridge, Kentucky shall, within ten days after the adoption of this ordinance, advertise by one insertion in the newspaper of widest circulation in the City of Dry Ridge, that sealed bids will be received on or before March 9, \_\_\_\_\_, 1992 in the office of the City Clerk, 31 Broadway, Dry Ridge, Kentucky, for the sale of franchise, right and privilege of entering in and upon, through, under and along the streets, alleys, sidewalks, and public ways and places of the City of Dry Ridge, as it is now or may hereafter be enlarged, to construct and maintain a telephone and general communications

system; to erect and maintain poles, crossarms, wires, cables and other aerial fixtures; to place and maintain buried cables and wires and construct and maintain underground conduits, manholes and other underground fixtures and to place and maintain therein cables, wires and equipment; and to construct and maintain such other appurtenances as may be necessary to operate said system for the purpose of furnishing telephone and general communications services by means of wires, radio or related or appropriate facilities, and in connection therewith to do a telephone and general communications business under the terms and conditions hereinafter set out, for a period of twenty (20) years from and after the acceptance by the Board of Trustees of any bid hereunder. The City Clerk is directed at the next meeting of the Board of Trustees after the time fixed to receive bids, to return the bids received by him/her and said bids shall thereupon be opened by the Board of Trustees in open session. Subject to the right of the Board of Trustees to reject any and all bids, there shall be awarded to the highest and best bidder therefor, its successors and assigns, the said franchise rights and privileges set out in this ordinance, subject to all the provisions, restrictions and conditions herein set forth.

#### SECTION 2

Except as provided in KRS 96.020(2), all bids hereunder shall be accompanied by a certified check of the bidder for the sum of Twenty Thousand Eight Hundred Ten Dollars (\$20,810) which shall be forfeited to the City of Dry Ridge as liquidated damages

in the event said bid is accepted and the bidder shall fail to execute the bond provided for in this section.

The successful bidder, his or its successors or assigns, shall, within thirty (30) days after the acceptance of any bid hereunder, execute bond to be approved by the Board of Trustees of the City of Dry Ridge in the sum of One Hundred Four Thousand Fifty-Two Dollars (\$104,052), for the faithful performance of said contract and the observance of the provisions and conditions of this ordinance.

This section shall not apply to a person already owning in the City of Dry Ridge a plant and equipment sufficient to render the services required under the franchise.

### SECTION 3

Before opening or entering upon any street or public thoroughfare in the City of Dry Ridge for the purpose of laying conduit or erecting poles or wires, the successful bidder, his or its successors or assigns, shall make application to the City Engineer, or the person designated by the Board of Trustees, for a permit indicating which streets or public thoroughfares are to be opened or entered upon, and the City Engineer or person designated by the Board of Trustees shall issue a permit therefor.

The successful bidder, his or its successors or assigns, shall restore the streets, ways or thoroughfares wherein any telephone pole is set or conduit laid, or cable and wire placed under the provisions of this ordinance of its former state as soon as shall be practicable after said work shall be completed at its own cost and expense, and the successful bidder, his or

its successors or assigns, shall save said City harmless and free from any and all damages for injuries to persons or property that may result from any neglect on the part of said bidder in connection with said construction or the maintenance of the equipment of said company in said streets, ways or thoroughfares.

#### SECTION 4

The franchise or privilege herein granted shall in no way be construed as an exclusive privilege or franchise and the City of Dry Ridge expressly reserves the right to grant similar privileges to any other person, firm or corporation.

#### SECTION 5

Each bidder shall state in the bid whether or not the bidder, his or its successors or assigns, will furnish local exchange telephone service to subscribers located within the City of Dry Ridge, subject to the rules of and at rates and charges on file with and approved by the Public Service Commission of Kentucky, and any lawful changes or amendments thereto.

#### SECTION 6

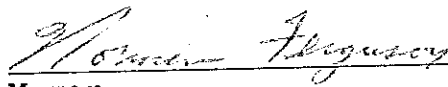
Each bidder shall state in the bid whether or not the bidder, his or its successors or assigns, will furnish message toll telephone service over its toll lines and those of connecting carriers between subscribers located within Dry Ridge, Kentucky, and all points in the United States and foreign countries, to which such service is available, at the legally authorized rates for such service.

SECTION 7

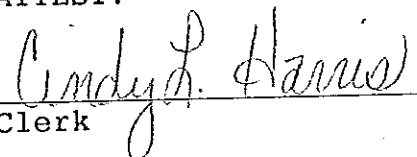
This ordinance and the bid or proposal which shall be accepted by the Board of Trustees under the provisions hereof, and the bond required to be executed by the person, firm or corporation to whom is awarded the franchise, together with the resolution accepting the bid or proposal, shall be and constitute a contract between the City of Dry Ridge and the person, firm or corporation, his or its successors and assigns, to whom the franchise, right and privilege provided for herein is awarded.

SECTION 8

This ordinance shall remain on file for public inspection in its complete form and shall be in full force and effect after having been signed by the Mayor, attested by the City Clerk, recorded and published according to law.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk

Passed: January 6, 1991 (First Reading)  
February 3, 1991 (Second Reading)