

ORDINANCE NO. 620-2001

AN ORDINANCE OF THE CITY OF DRY RIDGE, KENTUCKY, GRANTING TO AND UNTO THE UNION, LIGHT, HEAT & POWER COMPANY A 20-YEAR FRANCHISE TO PLACE FACILITIES IN PUBLIC STREETS AND PLACES OF THE CITY OF DRY RIDGE.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY OF DRY RIDGE, KENTUCKY, AS FOLLOWS:

SECTION ONE

A. The City of Dry Ridge, Kentucky, hereby grants to and unto The Union Light Heat & Power Company (Company), its successors and assigns, a non-exclusive franchise, consent, right, and privilege for a period of twenty (20) years starting from the date of the enactment and acceptance of this Ordinance the right and authority to construct, reconstruct, erect, extend, operate, maintain, repair, replace, and remove (collectively called install or installation) poles, anchoring systems, manholes, pull boxes, surface mounted equipment, conduit, wires, cable, apparatus, fixtures, and equipment (collectively call facilities) within, along, over, under and across the public streets, alleys, ways, places, lands and ground of the City of Dry Ridge, Kentucky (collectively called public property).

B. The Company shall not encumber public property by temporary obstructions or excavations any longer than shall be necessary in the accomplishment of the above, enumerated such purposes. 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 interferes with the facilities of the Company, the Company shall, within a reasonable time after receiving written request from the City Council, move or relocate the same within public property so as not to interfere therewith; but the Company shall not be required to terminate any service provided by its facilities.

C. Where such moving or relocation of the Company's facilities as referred to in subparagraph B above is required, the Company'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. The Company shall have the right, without payment of fees, to cut, trim or remove any trees, overhanging branches or other obstructions on public property which, in the opinion of the appropriate engineer of the company, may endanger the safety of or interfere with the efficient installation, operation, and maintenance of the Company's facilities.

D. Before an installation of facilities, which requires ground disturbance, on public property is made by the Company, it shall notify the City and the City shall issue a permit for such installation at no cost to the Company. Notwithstanding the above, no notification shall be required when the Company deems an emergency exists.

## SECTION TWO

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

## SECTION THREE

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 FOUR

This Ordinance shall take effect and be in force from and after the earliest period allowed by law, and upon written acceptance by The Union Light Heat & Power Company filed with the Clerk of Council shall become a binding contract according to its terms between the City and the Company. The Clerk shall sign and return to the Company a confirmed copy of the written acceptance in the form provided to the City to verify acceptance of the correct Ordinance.

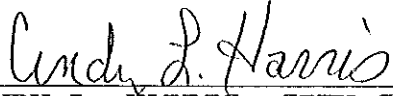
First Reading: September 10, 2001

Second Reading: October 1, 2001

PASSED, ADOPTED, ORDAINED, APPROVED, AND ORDERED  
PUBLISHED THIS THE 1ST DAY OF OCTOBER, 2001.

  
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WILLIAM CULL, MAYOR

**ATTEST:**

  
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CINDY L. HARRIS, CITY CLERK