

AN ORDINANCE GRANTING AND OFFERING FOR SALE A 10 YEAR EXCLUSIVE FRANCHISE TO PLACE ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES IN THE PUBLIC STREETS AND PLACES OF THE CITY OF DRY RIDGE, GRANT COUNTY, KENTUCKY.

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

Section 1. The City of Dry Ridge, Grant County, Kentucky, hereby grants and offers for sale to the successful bidder an exclusive franchise, consent, right and privilege, for a period of 10 years starting from the date of acceptance of the bid of the successful bidder, to construct, reconstruct, erect, extend, operate, use, maintain, repair, replace and remove (hereinafter collectively referred to by the use of the words "install" or "installation") poles, wires, cables, apparatus, fixtures and equipment for the transmission and distribution of electricity (hereinafter collectively referred to as "facilities") within, on, along, over, under and across the public streets, alleys, ways, places and grounds of the City (hereinafter referred to collectively as "public property"). The transmission of electricity referred to above shall include the transmission of electricity into, through and out of the City, as well as transmission terminating within the City. The successful bidder may, in its discretion, "install" any and all "facilities" overhead. Poles shall be placed as near the curb line as practicable and between the curb line and the sidewalk wherever possible. In any "installation" of "facilities," and in the exercise of its rights hereunder, the successful bidder shall conform to all lawful ordinances, rules and regulations not inconsistent with this franchise and shall not encumber "public property" by temporary obstructions or excavations any longer than shall be necessary in the accomplishment of such purposes. In making any "installations," the successful bidder shall not, without consent given on behalf of the party involved, unnecessarily damage or interfere with any water or sewer facilities then lawfully located on "public property." If, during the franchise period, it becomes reasonably necessary to construct, reconstruct, pave or repair any "public property" or construct, reconstruct or relocate sewer lines, water lines, or other utilities owned or leased by the City, located within the boundaries of any "public property," in such manner that any of the "facilities" of the successful bidder shall interfere therewith, the successful bidder shall, on written request of the Mayor of the City, within a reasonable time after receiving such notice, move or relocate the same within the "public property" so as not to interfere therewith; but the successful bidder shall not be required at any time to terminate any service provided by its "facilities." Where any such moving or relocation of the successful bidder's "facilities" is reasonably required by any such project of the City done in its governmental capacity, such moving or relocation shall be done by it at its own expense, but where the same is reasonably required by the City acting in a proprietary

capacity such moving or relocation shall be at the expense of the City. The successful bidder shall have the right 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 successful bidder may endanger or interfere with the efficient "installation" of "facilities."

Section 2. The successful bidder shall render electric service from its "facilities" to the City and its inhabitants at such rates and under such conditions as may be applicable and effective from time to time throughout the franchise period, as set forth in its fillings with the Public Service Commission of Kentucky or any legally constituted body succeeding it in jurisdiction, and in the rules, regulations and service requirements thereof. The electric service to be rendered shall be alternating current, 60 cycles, single or three phase service, supplied within the appropriate range for successful bidder's standard secondary voltage for each respective type of service.

Section 3. Each bid shall specify the rate tariffs which, until thereafter duly changed, shall be applicable to service rendered within the City.

Section 4. Any bidder not presently furnishing the service required under this franchise shall make a deposit as required under the provisions of K.R.S. §96.020

Section 5. The successful bidder shall defend and indemnify the City against any suit or claim for any expense or liability whatsoever by reason of negligence attributable to the successful bidder, provided, however, that any expense or liability whatsoever by reason of negligence attributable to the successful bidder, provided, however, that any expense or liability resulting from joint or concurring negligence attributable to the City and to the successful bidder shall be borne by the City and the successful bidder equally.

Section 6. In the event the successful bidder does not, as of the date of the passage of this Ordinance, maintain "facilities" in the City, such successful bidder shall commence the construction of the necessary "facilities" within 120 days after the acceptance of its bid or after receipt of any necessary authorization from the appropriate governmental agencies, whichever is later, and supply electricity to the City and all of its inhabitants qualifying for the same within eighteen months after such date, or this franchise shall be void.

Section 7. The words successful bidder, as used in this Ordinance, mean the successful bidder and his, its or their heirs, successors and assigns, each of which must, upon rendering service hereunder, be a "utility" providing electric service under K.R.S. 278.010 and any succeeding section. The word City, as used in this Ordinance, means the City of Dry Ridge, Grant County, Kentucky, its successors and assigns, as it now exists or hereafter may be changed through annexation, reduction of its boundaries, merger, consolidation, or other similar proceedings.

Section 8. The City Clerk is hereby directed to advertise, as provided by law, for bids for the franchise provided for in Section 1 through 10 of this Ordinance, such bids to be received by the Council of the City at its regular meeting to be held at 8:00 P.M. on the 5th day of May, 1964. Each bid shall be sealed and marked "Bid for Electric Franchise," and shall be opened by the Council at its said regular meeting. The Council shall have the right to reject any and all bids.

Section 9. This Ordinance and the bid accepted by the Council of the City shall, upon passage of the Ordinance accepting the bid, constitute a contract between the City and the person, firm or corporation to which the franchise is awarded.

Section 10. This Ordinance shall be effective at the earliest time allowed by law.

Passed this 3rd day of March, 1964.

N. T. Ferguson
MAYOR

ATTEST:

H. C. Rohrs
CLERK

STATE OF KENTUCKY
COUNTY OF GRANT
CITY OF DRY RIDGE, KY.

I, H. C. Rohrs, Clerk of the City of Dry Ridge, Grant County, Kentucky, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 218, passed by the City Council of said City on the 3rd day of March, 1964, 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 March, 1964.

H. C. Rohrs
CLERK