

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

THE CITY 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 20 years starting from the date of acceptance of the bid of the successful bidder, to construct, lay, erect, extend, operate, use, maintain, repair, replace and remove (hereinafter collectively referred to by the use of the words "install" or "installation" mains, pipes, apparatus, fixtures and equipment for the transmission and distribution of gas (hereinafter collectively referred to as "Facilities") within, on along, under and across the public streets, alleys, ways, places and grounds of the city (hereinafter referred

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to collectively as "public property") The retransmission of gas referred to above shall include the transmission of gas into, through and out of the City, as well as transmission terminating within the the City. 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 utilities owned or leased by the city, located within the boundaries of "public property" in such a manner that any of the "facilities" of 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.

Section 2. The successful bidder shall render gas 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 filling 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 gas to be supplied shall be as received by the successful bidder from its source or sources of supply, both as to kind and quality, except as such gas may from time to time be modified or supplemented through the operation of its production plants.

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 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 is unable to secure or resecure from other political subdivisions such rights as are necessary for the construction or operation of "facilities" reasonably needed to provide gas service to the City and its inhabitants, the successful bidder may, upon its giving of notice, be released from all obligations under this Ordinance during the remainder of the franchise period or until such rights are secured or resecured. 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 gas 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 gas 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 City Council of the City at its regular meeting to be held at 8:00P.M. on the 7th day of October, 1969. Each bid shall be sealed and marked "Bid for Gas Franchise" and shall be opened by the City Council at its said regular meeting. The City Council shall have the right to reject any and all bids.

Section 9. This Ordinance and the bid accepted by the City 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 2nd DAY OF SEPTEMBER, 1969

Howard Ø'Banion

Mayor

ATTEST:

Mabel Baird
Clerk