

AN ORDINANCE GRANTING TO KENTUCKY POWER COMPANY, A KENTUCKY CORPORATION, THE FRANCHISE, RIGHT, PRIVILEGE AND AUTHORITY TO ACQUIRE, MAINTAIN, CONSTRUCT AND OPERATE IN, ABOVE, UNDER, ACROSS AND ALONG THE STREETS, THOROUGHFARES, ALLEYS, BRIDGES AND PUBLIC PLACES OF THE CITY OF PAINTSVILLE, LINES FOR THE DISTRIBUTION OF ELECTRIC ENERGY TO THE CITY OF PAINTSVILLE, THE INHABITANTS THEREOF AND PERSONS AND CORPORATIONS BEYOND THE LIMITS THEREOF FOR LIGHT, HEAT, POWER AND ANY OTHER PURPOSE AND FOR THE TRANSMISSION OF SAME WITHIN, THROUGH OR ACROSS SAID CITY.

The City Council of the City of Paintsville does ordain as

follows:

WHEREAS, the existing franchise held by the Kentucky Power Company for the distribution of electric power in the City of Paintsville, Kentucky, expired on March 2, 1967, and

WHEREAS, there is a continuing public necessity for adequate service of electric power and energy to the citizens of the City of Paintsville, and

WHEREAS, it appears that it is to the interest of the public that a franchise be advertised and sold granting and entitling the grantee to use the public streets, thoroughfares and other public places for the erection and maintenance of lines for the transmission and distribution of electric power.

SECTION 1: It is hereby granted to Kentucky Power Company, a Kentucky Corporation, the franchise, right, privilege and authority to acquire, maintain, construct and operate in, above, under, across and along the streets, thoroughfares, alleys, bridges and public places (as the same now exist or may hereafter be laid out) of the City of Paintsville, Johnson County, Kentucky, lines, poles and equipment for the distribution of electric energy, either by means of overhead or underground conductors with all the necessary or desirable appurtenances for the purpose of supplying electric energy to said City of Paintsville and the inhabitants thereof and persons and corporations beyond the limits thereof for light, heat, power and any other purpose or purposes for which

electric energy is now or may hereafter be used, and for the transmission of the same within, through or across said City.

**SECTION 2:** Said lines and appurtenances shall be constructed so as to interfere as little as possible with the traveling public in its use of the streets, thoroughfares, alleys, bridges and public places. The location of all poles or conduits shall be made under the supervision of the proper board or committee of the City Government.

**SECTION 3:** The right, privilege and franchise shall be in full force and effect for a period of twenty (20) years from the date of the passage of the Ordinance granting it.

**SECTION 4:** The grantee of this franchise shall save the City harmless from any and all liability arising in any way from negligence in the erection, maintenance or operation of said lines and appurtenances.

**SECTION 5:** Whenever the grantee of this franchise shall begin the erection of any lines or other equipment, it shall promptly and diligently prosecute the work to completion and leave the streets, thoroughfares, alleys, bridges and public places where such work is done in as good condition of repair as before such work was commenced.

**SECTION 6:** Wherever in this franchise, either the City of Paintsville, or the grantee thereof is referred to, it shall be deemed to include the respective successors and assigns of either, and all rights, privileges and obligations contained in this franchise shall be binding upon and inure to the benefit of the respective successors and assigns of said City, and said grantee, whether so expressed or not.

**SECTION 7:** The grantee of this franchise may make such rules and regulations covering the furnishing of said electric energy as may be fair and reasonable and consistent with the standard practice of the grantee. Said grantee may charge such rates for electric service as shall be fair and reasonable. The said grantee shall render service under said franchise of like quality, that is, adequate, efficient and reasonable, to that now being rendered to said City.

**SECTION 8:** The consideration paid by the successful bidder

for the franchise, privilege and rights provided for herein shall be complete compensation and consideration for said franchise, privilege and right and for the use and occupancy of the streets, avenues, alleys, bridges and public ways of the City in lieu of any street or alley rental or to any charge for the use or occupancy of said streets, avenues, alleys, bridges, thoroughfares or public places of said City, and in lieu of any pole tax or meter tax.

SECTION 9: The Ordinance granting this franchise shall be accepted by the grantee thereof within sixty (60) days from the date of its passage.

INTRODUCED: March 5, 1963

PASSED: March 5, 1963

/s/ J. B. WELLS

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MAYOR

ATTEST:

/s/ H. T. WILEY

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CITY CLERK