

AN ORDINANCE CREATING A FRANCHISE FOR  
ERECTING, LAYING, AND MAINTAINING ELECTRIC  
AND GAS FACILITIES IN, ALONG, UNDER AND  
ACROSS THE PUBLIC WAYS AND PLACES IN THE  
CITY OF West Point  
KENTUCKY FOR FURNISHING AND SELLING  
ELECTRICITY AND GAS BY MEANS OF SAID  
FACILITIES, AND PROVIDING FOR THE SALE OF  
SAID FRANCHISE.

Be it ordained by the City of West Point, Kentucky.

FIRST. There is hereby created a franchise for the erection of poles and for stringing, laying and maintaining overhead and underground wires and cables for the transmission, distribution and sale of electricity together with all appurtenant facilities and equipment and for installing, laying and maintaining gas pipes for the transmission, distribution and sale of gas together with all appurtenant facilities and equipment in, along, under and across the public ways, roads, streets, alleys and other public places in the City of West Point, Kentucky, and for constructing the necessary conduits and manholes for the installation of said wires, pipes, facilities and equipment, and for selling electricity and gas by means of said facilities. Such gas or electricity may be conveyed through the said City and to any other town or to any portion of the County and to any other county.

SECOND. The person, firm or corporation which shall become the purchaser of this franchise, or any successor or assignee of such person, shall for brevity hereinafter be spoken of as the "Company" herein, and the public ways, roads, streets, alleys, and other public places of the City of West Point, Kentucky, shall for brevity hereafter be spoken of herein as the "streets".

THIRD. The Company acquiring this franchise shall have the right to erect, install, string, lay, operate, maintain and remove poles, cables, wires, transformers, conduits, anchors, guy wires and all other related equipment and accessories of every kind appurtenant thereto, along, over, under, across and within the said streets, for the transmission, distribution and sale of electric energy, and the Company shall also have the right to install, lay operate, maintain and remove gas mains and pipes, together with all other related equipment and accessories of every kind appurtenant



thereto, in, along, under and across the said streets and to transmit and sell gas through said facilities. The Company shall also have the right to use the streets with its service and maintenance vehicles and equipment in furtherance of this franchise. Before beginning the construction of any new line of pipes, poles or conduit under this franchise, the Company shall prepare a plat showing the construction of the work to be done and a brief description showing the manner in which it is to be done, which plan and specification shall be presented to the Executive Authority for its approval, and shall not proceed with such construction until approval is granted. Such approval, however, shall not be unreasonably denied, withheld or delayed. After the work is completed, the Executive Authority shall have the right to examine it and in case it finds that the work has not been done in accordance with the plans and specifications approved by it, the Company shall, at its own expense, make such changes as will cause the work to conform to the plans and specifications approved by the Executive Authority. The work shall be done in a workmanlike manner and so as not to unnecessarily interfere with the public use of any said streets. Wherever the surface of any street is opened, it must be restored at the expense of the Company within a reasonable time to as good condition as it was prior to the opening thereof.

FOURTH. The Company acquiring this franchise, and its successors and assigns, shall indemnify the City of West Point, Kentucky, for any and all damage that may legally arise from the presence or operation of its pipes, poles, wires or appliances so constructed or maintained on or along said streets, and defend all actions which may be brought against the said City by reason of or arising out of the construction or operation of said gas and electric lines.

FIFTH. The franchise hereby created shall continue for a period of twenty years from and after the date the Executive Authority determines the successful bidder for this franchise. This franchise is not exclusive, and the City reserves the right to sell similar franchises to others.

SIXTH. It shall be the duty of the Clerk of said City to advertise the sale of the franchise once a week for three successive weeks in News Enterprise <sup>E'Town</sup> so that the final publication shall appear not less than seven days before the day on which the sale will occur nor more than twenty-one days before the day of the sale. Said notice and newspaper advertisement shall state when said Clerk shall sell said





franchise at public auction to the highest and best bidder, giving the time and place of sale. In said advertisement and notice, the right of the Executive Authority of said City to reject any and all bids shall be reserved. The newspaper publication shall describe the franchise to be sold and any special provisions. The Clerk shall sell said franchise in accordance with said notice and advertisement. Said Executive Authority may accept that bid which in its judgment is the highest and best. No bid shall be accepted of less than one-hundred dollars, which amount is fixed as the upset price for said franchise. The bidder to whom said franchise or privilege shall be awarded shall within ten days after the acceptance of its bid by the Executive Authority of said City pay the amount of said bid to the Treasurer of said City. No permit or other additional charge shall be imposed on the Company. The terms of this ordinance creating the franchise are contractual and binding according to its terms on the Company and the City.


Provisions of any other ordinance that are inconsistent herewith are and shall be ineffective with respect to the Company acquiring this franchise.

SEVENTH. In case the successful bidder for said franchise shall fail within thirty days after its bid shall have been accepted to comply with the provisions of this ordinance, the Clerk of said City shall again advertise said franchise for sale in the manner in which the first sale was made, and shall again sell said franchise in the manner and upon the same conditions and requirements as the original sale of said franchise was made, except that no sale be made to the bidder who had failed to perform the terms of said first sale.


EIGHTH. Any service rendered by the successful bidder for said franchise shall be performed under the regulatory jurisdiction of the Public Service Commission of Kentucky or any successor regulatory body.

NINTH. This ordinance shall take effect from and after its passage and publication.

Approved the 1st day of March, 1982

  
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Mayor  
City of West Point, Kentucky

ATTEST:

  
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Clerk  
City of West Point, Kentucky

