

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 MULDRAUGH, KENTUCKY FOR
FURNISHING AND SELLING ELECTRICITY AND GAS
BY MEANS OF SAID FACILITIES, AND PROVIDING
FOR THE SALE OF SAID FRANCHISE.

The City Council of the City of Muldraugh, Kentucky does ordain as follows:

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 Muldraugh, 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 or 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 Muldraugh, 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 and maintain poles, cables and conduits in, along, under, across and over the said streets, and to install, string, lay and maintain wires thereon and thereunder together with all related facilities and equipment; for the transmission, distribution and sale of electric energy, and the Company shall also have the privilege of installing, laying and maintaining gas mains and pipes, together with all related facilities and equipment, in, along, under and across the said streets, and to transmit and sell gas through said pipes. 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 conduits 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 City Council for approval by it. After the work is completed, the City Council 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 Council. The work shall be done in a workmanlike manner and so as not to unnecessarily interfere with the public use of any of 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 Muldraugh, 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 (20) years from and after the date the same shall become effective, but it 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 as soon as practicable after the passage of this ordinance to advertise the sale of the franchise as herein set out for a period of ten (10) days by written or printed notice posted in three (3) of the most conspicuous places in said City, and advertise the sale of the franchise once a week for three successive weeks in the Meade County Messenger so that the final publication shall appear not later than two days before the day on which the sale will occur and not sooner than some day during the week preceding the week in which the sale shall take place. 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 City Council 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 City Council may accept that bid which in its judgment is the highest and best. No bid shall be accepted of less than \$50.00, 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 (10) days after the acceptance of its bid by the City Council of said City pay the amount of said bid to the Treasurer of said City.

SEVENTH. In case the successful bidder for said franchise shall fail within thirty (30) 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



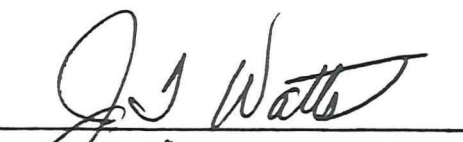
same conditions and requirements as the original sale of said franchise was made, except that no sale be made to the bidder who had failed to perform the terms of said first sale.

EIGHTH. The Company agrees to charge such rate or rates as may from time to time be fixed by the Public Service Commission of Kentucky or any successor regulatory body.

NINTH. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.


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

Approved the 3rd day of February, 1975,



Mayor
City of Muldraugh, Ky.

ATTEST:



Clerk of the City Council
City of Muldraugh, Kentucky

