

ORDINANCE NO. 6-2017

An Ordinance of the City Commission of the City of Bellefonte, Kentucky, Granting to Kentucky Power Company, Its Successors and Assigns, a Twenty (20) Year Franchise, Privilege, Right and Authority to Acquire, Maintain, Construct and Operate In, Above, Under, Across and Along the Streets, Thoroughfares, Alleys, Sidewalks, Bridges, Public Ways and Other Public Places of the City of Bellefonte, Kentucky, and Its Successors and Assigns, Lines, Poles and Equipment for the Transportation, Transmission and Distribution of Electric Energy to said City and the inhabitants thereof, and persons and corporations beyond the limits thereof, for Light, Heat, Power and Other Purposes and for the Transmission, Transportation and Distribution of Same Within, Through or Across Said City.

BE IT ORDAINED BY THE CITY OF BELLEFONTE, GREENUP

COUNTY, KENTUCKY, AS FOLLOWS:

SECTION 1

Kentucky Power Company its successors and assigns, hereinafter called grantee, is granted the franchise, privilege, right and authority to acquire, maintain, construct and operate in, above, under, across and along the streets, thoroughfares, alleys, sidewalks, bridges, public ways and other public places (as the same now exist or may hereafter be laid out) of the City of Bellefonte, Greenup County, Kentucky, lines, poles and equipment for the transportation, transmission and 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 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, sidewalks, bridges, public ways and other public places.

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

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

SECTION 5. The grantee of this franchise shall have the right and privilege to take up such portion or part of any pavement and make such excavation in the streets, thoroughfares, alleys, sidewalks, bridges, public ways and other public places of the City of Bellefonte as may be deemed necessary for the construction and maintenance of its lines, wires or cables, but, 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, sidewalks, bridges, public ways and other 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 Bellefonte 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 the 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 City Attorney, R. Stephen McGinnis, having reported to the Mayor and City Commission that Kentucky Power Company offered three alternative offers for the franchise in its bid letter dated October 31, 2017, which alternative offers are as follows:

A). An annual lump sum payment of Seven Hundred Fifty Dollars (\$750.00); or,

B). A franchise fee equal to three percent (3%) of the revenues received by Kentucky Power Company from electric service provided within the corporate limits of the City of Bellefonte separate and exclusive of any local or state tax, phased in over three years with the payment and recoupment of the franchise fee to be made in the manner specified in Kentucky Power Company's bid letter dated October 31, 2017; or,

C). A sum equal to three percent (3%) of the revenues received by Kentucky Power Company from electric service provided within the corporate limits of the City of Bellefonte separate and exclusive of any local or state tax, throughout the term of the franchise with the payment and recoupment of the franchise fee to be made in the manner specified in Kentucky Power Company's bid letter dated October 31, 2017.

SECTION 9. The City Commission elects to accept alternative offer (C) as set out in Section 8 herein.

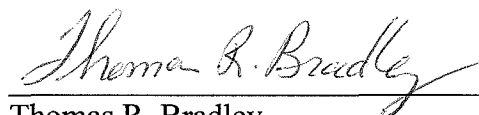


SECTION 10. The consideration paid and agreed to be paid in its bid by the grantee for the franchise, privilege, right and authority provided for herein, shall be complete compensation and consideration for said franchise, privilege, right and authority, and for the use and occupancy of the streets, thoroughfares, alleys, sidewalks, bridges, public ways and other public places of the City, in lieu of any street or alley rental or of any charge for the use or occupancy of said streets, thoroughfares, alleys, sidewalks, bridges, public ways and other public places of said City, and in lieu of any pole tax or meter tax.

SECTION 11. The Ordinance granting this franchise shall be accepted by the grantee thereof within sixty (60) days from the date of its passage.


SECTION 12. All Ordinances and parts of Ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 13. This Ordinance shall be in full force and effect upon its passage by the City Commission.



Thomas R. Bradley
Mayor

ATTEST:


Ronald L. Fraley
City Clerk

Introduction and First Reading: November 20, 2017.

Second Reading: November 27, 2017.

Published:

Adopted by the City Commission of the City of
Bellefonte, Kentucky

The 27th day of November, 2017.

