

FRANCHISE AGREEMENT

THIS FRANCHISE AGREEMENT made and entered into this 23rd day of May, 2016, by and between the **CITY OF DANVILLE**, a municipal corporation and political subdivision of the Commonwealth of Kentucky (hereinafter "Danville"), **KENTUCKY UTILITIES CORPORATION**, a corporation created and existing under and by virtue of the laws of the Commonwealth of Kentucky, (hereinafter "Kentucky Utilities").

WITNESSETH:

WHEREAS, by Ordinance No. 1880 adopted by the City of Danville provides for the creation and sale of a non-exclusive franchise, for a term of twenty (20) years, for acquiring, laying, maintaining, operating, enter upon, construct, install, use and repair, a system for the generation, transmission and distribution of the electric energy within the public Right-Of-Way in the corporate limits of the City of Danville; and

WHEREAS, Ordinance No. 1880 authorized the advertising for bids on said franchise, and KENTUCKY UTILITIES submitted a timely bid to acquire said franchise; and

WHEREAS, by Resolution No. 2016-05-23-04 adopted May 23, 2016, Danville accepted the bid of KENTUCKY UTILITIES to acquire said franchise; and

WHEREAS, Danville and KENTUCKY UTILITIES have entered into this Franchise Agreement to memorialize the sale by Danville to KENTUCKY UTILITIES of said franchise subject to the terms and conditions reflected in Ordinance No. 1880 and Resolution No. 2016-05-23-04.



NOW THEREFORE, for and in consideration of the mutual covenants and agreements contained herein the receipt and sufficiency of which are hereby acknowledged, Danville and KENTUCKY UTILITIES hereby agree to incorporate the foregoing recitals as if fully set forth herein and further agree as follows:

1. Ordinance No. 1880, which is attached hereto as Exhibit "A", is incorporated herein by reference in its entirety and shall apply as if fully set forth herein.

2. The bid of KENTUCKY UTILITIES for said franchise, which is attached hereto as Exhibit "B", is incorporated herein by reference in its entirety and shall apply as if fully set forth herein.

3. Resolution No. 2016-5-23-04 which is attached hereto as Exhibit "C", is incorporated herein by reference in its entirety and shall apply as if fully set forth herein.

4. Danville has granted unto KENTUCKY UTILITIES a non-exclusive franchise, for a term of twenty (20) years, for acquiring, laying, maintaining, operating, enter upon, construct, install, use and repair, a system for the generation, transmission and distribution of the electric energy within the public Right-Of-Way in the corporate limits of the City of Danville subject to the provisions of Ordinance No. 1880 and Resolution No. 2016-05-23-04.

5. The franchise memorialized in this Franchise Agreement shall commence June 25th, 2016, and shall expire as provided in the terms and provisions of Ordinance No. 1880.

6. KENTUCKY UTILITIES does hereby bind itself, its successors and assigns, to faithfully and fully perform each and every condition of said franchise as memorialized in this Agreement, and further to faithfully perform all acts required of it as the purchaser of said franchise.



7. This Franchise Agreement memorializes the agreement between the parties contained and embodied in Ordinance No. 1880 and Resolution No.2016-05-23-04 and shall be binding upon and inure to the benefit of the respective successors in interest to the parties hereto.

IN WITNESS WHEREOF, Danville and KENTUCKY UTILITIES have executed this Franchise Agreement as their free and voluntary act and deed effective as of the day and year first above written.

CITY OF DANVILLE, KENTUCKY


G. MICHAEL PERROS, MAYOR
CITY OF DANVILLE, KENTUCKY

ATTEST:


DONNA PEEK, CITY CLERK

KENTUCKY UTILITIES CORPORATION

BY: 
JOHN P. MALLOY
VICE PRESIDENT, CUSTOMER SERVICES

STATE OF KENTUCKY)
COUNTY OF Fayette)

The foregoing Franchise Agreement was subscribed, sworn to and acknowledged before me by John Malloy, VP Cust Services, KENTUCKY UTILITIES. CORPORATION, on this the 1st day of July, 2016.

My commission expires: March 17, 2019


NOTARY PUBLIC

TARIFF BRANCH
RECEIVED
7/5/2016
PUBLIC SERVICE
COMMISSION
OF KENTUCKY

KENTUCKY, STATE-AT-LARGE

Exhibit List

- A Ordinance No. 1880
- B Bid
- C Resolution No. 2016-05-23-04

