

A C C E P T A N C E

The Union Light, Heat and Power Company hereby accepts the terms and conditions of Ordinance No. 1978-16 passed by Council of the City of Ft. Mitchell, October 16, 1978, entitled:

"ORDINANCE NO. 1978-16, Contracting with The Union Light, Heat and Power Company for lighting by electricity the streets and other public ways of the City of Ft. Mitchell, Kenton County, Kentucky, for a period of three (3) years and fixing the price thereof."

Done at Covington, Kentucky, this 1st day of December, 1978.

THE UNION LIGHT, HEAT AND POWER COMPANY

By /s/ R. G. Graham  
Vice President

ATTEST:

/s/ Donald R. Blum  
Secretary

I, Dorothy M. Kuebbing, Clerk of the City of Ft. Mitchell, Kentucky do hereby certify that the foregoing is a true and correct copy of the original ordinance named therein, filed in my office as clerk of said city on the 4<sup>th</sup> day of March 1978. 1979.

Dorothy M. Kuebbing  
Clerk

ORDINANCE NO. 1978-16

Contracting with The Union Light, Heat and Power Company for lighting by electricity the streets and other public ways of the City of Ft. Mitchell, Kenton County, Kentucky, for a period of three (3) years and fixing the price thereof.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FT. MITCHELL,  
KENTON COUNTY, KENTUCKY:

For a term of three (3) years from and after the effective date of this ordinance, The Union Light, Heat and Power Company, (herein called "Company"), its successors and assigns, agrees to furnish, own, maintain, and/or operate a street lighting system in the City of Ft. Mitchell, Kentucky, (herein called "Municipality"), and to supply electricity therefor, for which the Municipality agrees to pay the Company in accordance with the following terms, conditions, and rates:

Section I

Attached as Exhibit A is a list setting forth the type of street lighting units now existing in the Municipality, the number, the rating, and the price per month per street lighting unit, which the Municipality shall pay the Company during the three year term of this contract.

Section II

- (a) After the effective date of this Ordinance the Municipality, upon proper authorization and its written request to the Company, may request the installation of any type of street lighting unit described in Exhibit B and shall pay therefor the price per month per street lighting unit set forth in

Exhibit B. If the Municipality requires the installation of a unit at a location which requires the extension, relocation, or rearrangement of the Company's distribution system, the Municipality shall, in addition to the monthly charge, pay the Company on a time and material basis, plus overhead charges, the cost of such extension, relocation, or rearrangement, unless in the judgment of the Company no charges should be made. An estimate of cost of the extension, relocation or rearrangement shall be provided by the Company, and authorization issued by the Municipality, before the work is carried out.

- (b) Installation of street lighting units will be predicated on the ability of the Company to obtain, without cost to itself or the payment or consideration, all easements and rights-of-way which, in the opinion of the Company, are necessary for the construction, maintenance and operation of the street lights, standards, anchors and/or service wires. If such easements and rights-of-way cannot be so obtained, the Company shall have no obligation hereunder to install such units.

### Section III

- (a) If the Municipality orders any Company installed street lighting unit to be relocated, replaced with another type of unit with the same or less rated lamp wattage, or removed, the Municipality shall pay the Company the sacrifice value of the unit removed less the salvage value of the unit removed plus the labor of removal,

plus overhead charges, unless in the judgment of the Company no charges should be made.

- (b) The time within which the Company will be able to commence or to complete the services to be performed hereunder is dependent upon the Company's being able to secure the material with which to perform the services contained in this contract and the Company shall not be responsible for failure to fulfill this contract for such reason.
- (c) All street lighting units will burn from dusk to dawn, approximately 4,160 hours per annum.
- (d) The Municipality shall notify the Company of any inoperative unit. The Company shall have a reasonable time (not to exceed 24 hours) to restore operation by making repairs for which the Company is responsible. If repairs are not made within such time, deductions may be made for the full time of the outage. This contract shall not be construed as imposing upon either the Company or the Municipality responsibility for damage caused by an inoperative unit.
- (e) Lamps and reflectors which are maintained by the Company shall be kept in good operating condition by and at the expense of the Company. In the case of repeated vandalism, the Company will repair the damaged property and the Municipality shall pay for such repair on a time and material basis, plus overhead charges, unless in the judgment of the Company no charges should be made.

- (f) Payments for street lighting bills shall be made at the end of each month and all street lighting bills shall bear interest at the rate of eight percent (8%) per annum after thirty (30) days from date thereof until paid.
- (g) The Municipality agrees to make a sufficient appropriation annually to pay the cost of street lighting and, if necessary, to levy a tax to meet such expenses in the same manner that it levies taxes for other expenses.

Section IV

This Ordinance shall, upon acceptance in writing by the Company, filed with the Clerk of the City of Ft. Mitchell, Kentucky, take effect and be in force from and after the earliest period allowed by law and shall then become a valid and binding contract by and between the Municipality and the Company, its successors and/or assigns.

Passed October 16, 1978

William D. Edwards  
Mayor

ATTEST:

Dorothy M. Keebony  
Clerk

STATE OF KENTUCKY  
COUNTY OF KENTON  
CITY OF FT. MITCHELL

I, Dorothy M. Kuebbing, Clerk of the  
City of Ft. Mitchell, Kentucky, Kenton County,  
Kentucky, do hereby certify that the foregoing is a true  
and correct copy of Ordinance No. 1977-16, passed by the  
Council of the City of Ft. Mitchell, on the 16<sup>th</sup> day of  
October, 1977, and recorded in the official  
journal of said City.

Given under my hand and the seal of the City of Ft.  
Mitchell, Kenton County, Kentucky, this 31<sup>st</sup> day  
of October, 1977.

Dorothy M. Kuebbing  
Clerk

EXHIBIT A

Existing Street Lighting Units as of effective date of this Contract.

<u>No.</u>	<u>Rated Lumens</u>	<u>Watts</u>	<u>Type of Unit</u>	<u>Price per Month per Unit</u>
116	7,000	190	Mercury Vapor	\$4.25
9	7,000	190	Mercury Vapor	7.75
1	7,000	190	Mercury Vapor	10.00
8	10,000	271	Mercury Vapor	5.00
1	10,000	271	Mercury Vapor	9.00
4	10,000	271	Mercury Vapor	10.00
4	10,000	271	Mercury Vapor	10.50
2	10,000	271	Mercury Vapor	11.00
3	10,000	271	Mercury Vapor	11.50
2	10,000	271	Mercury Vapor	12.00
5	10,000	271	Mercury Vapor	12.50
5	10,000	271	Mercury Vapor	13.00
1	10,000	271	Mercury Vapor	13.50
1	10,000	271	Mercury Vapor	14.50
1	10,000	271	Mercury Vapor	15.00
1	10,000	271	Mercury Vapor	15.50
2	10,000	271	Mercury Vapor	16.50
70	21,000	425	Mercury Vapor	6.00

EXHIBIT B

New Street Lighting Units installed after the effective date of this Contract.

Section 1: Overhead Distribution Area

<u>Rated Lumens</u>	<u>Watts</u>	<u>Type of Unit</u>	<u>Price per Month per Unit Mounted on</u>		
			<u>Existing Facilities</u>	<u>Additional Wood Pole (a)</u>	<u>Additional Embedded Steel Pole</u>
7,000	190	Mercury Vapor	\$4.25	\$7.25	\$14.25
10,000	271	Mercury Vapor	5.00	8.00	15.00
21,000	425	Mercury Vapor	6.00	9.00	---
50,000	484	Sodium Vapor	9.50	13.00	---

(a) Where it is mutually agreed upon that a street lighting unit is to be installed on a non-Company owned pole on which the Company has no existing contact, the Additional Wood Pole price for the unit will be applicable.

Section 2: Underground Distribution - Residential Area

<u>Rated Lumens</u>	<u>Watts</u>	<u>Type of Unit</u>	<u>Price per Month per Unit Mounted on</u>			
			<u>30 ft. Wood Pole</u>	<u>28 ft. Direct Buried Alum. Pole</u>	<u>27 ft. 11 gauge Steel Pole</u>	<u>27 ft. 3 gauge Steel Pole</u>
7,000	190	Mercury Vapor	\$7.00	\$8.50	\$15.00	\$15.50
10,000	271	Mercury Vapor	7.75	9.25	15.75	16.25
21,000	425	Mercury Vapor	8.75	---	16.75	17.25
50,000	484	Sodium Vapor	13.00(a)	---	---	---

(a) Includes 40' pole

<u>Rated Lumens</u>	<u>Watts</u>	<u>Type of Unit</u>	<u>Fixture</u>	<u>Mounted on</u>	<u>Price per Month per Unit</u>
7,000	208	Mercury Vapor	Town & Country	17' Wood Laminated Pole	\$7.75
7,000	210	Mercury Vapor	Holophane	17' Fibre-glass pole	\$8.25

The following price applies to installations in residential areas where Company's underground residential distribution system was installed after 1970:

For each increment of twenty-five (25) feet of underground cable beyond the first ten (10) feet from the base of the pole, the following price per month shall be added to the price per month per street lighting unit:

\$0.50