

CITY OF RIVER BLUFF, KENTUCKY
ORDINANCE NO. 2, SERIES 1987-88

AN ORDINANCE CREATING A FRANCHISE FOR LAYING, AND
MAINTAINING ELECTRIC AND GAS FACILITIES IN, ALONG, UNDER AND
ACROSS THE PUBLIC WAYS AND PLACES IN THE CITY OF RIVER
BLUFF, 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 RIVER BLUFF:

Section 1. There is hereby created a franchise for the
erection of poles and stringing, laying and maintaining
overhead and underground wires and cables for the
transmission, distribution and sale of electricity together
with all appurtment facilities and equipment and for
installing, laying and maintaining gas pipes for the
transmission, distribution and sale of gas together with all
appurtment facilities and equipment in, along, under and
across the public ways, roads, streets, alleys and other
public places in the City of River Bluff, Kentucky, and for
constructing the necessary conduits and manholes for the
installations of said cables, pipes, facilities and
equipment, and for selling electricity and gas by means of
said facilities. Such gas or electric may be conveyed
through the City of River Bluff to serve others outside the
City.

Section 2. The person, firm or corporation which shall
become the purchaser of this franchise, or any successor or
assignee of such person, shall for brevity hereafter to be
spoken of as the "Company" herein, and the public ways,
roads, streets, alleys, and other public places of the City
of River Bluff, Kentucky, shall for brevity hereafter to be
spoken of herein as the "streets."

Section 3. The Company acquiring this franchise shall
have the right to erect, string, install, lay, operate,
maintain and remove poles, wires, cables, transformers,
conduits, anchors, guys, and all other related equipment and
accessories of every kind appurtment thereto, 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, wires, poles or conduit under this franchise, the Company shall prepare a plat showing the construction of the work to be done, which plan and specification shall be presented to the Mayor-Commission Board for its approval, and shall not proceed with such construction until approval is granted. Wherever practical the Company shall place future extensions underground, provided the costs of such extensions are paid in accordance with the Company's rules and regulations. Such approval, however, shall not be unreasonably denied, withheld or delayed. After the work is completed, the Mayor-Commission Board 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 Mayor-Commission Board. The work shall be done in a workman like manner and so as not to unnecessarily interfere with the public use of said streets. Wherever practical for underground extensions, the Company shall bore under, not cut into, any said streets. However, wherever the surface or 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. Nothing herein shall prevent the development of

said City pay the amount of said bid to the Treasurer of

the approximately 3.705 acres owned by the Company for utility purposes.

Section 4. The Company acquiring this franchise, and its successors and assigns, shall indemnify the City of River Bluff, for any and all damage that may legally arise from the presence or operation of its pipes, cables, lines or equipment so constructed or maintained on or along said streets, and defend all actions which may be brought against the said City by reason or arising out of the construction or operation of said gas and electric lines.

Section 5. The franchise hereby created shall continue for a period of twenty years from and after the date the Mayor-Commission Board determines the successful bidder for this franchise. This franchise is not exclusive, and the City reserves the right to sell similar franchises to others.

Section 6. 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 The Oldham Era so that the final publication appear not less than seven 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 Mayor-Commission Board 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 Mayor-Commission Board may accept that bid which in its judgement 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 Mayor-Commission Board 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.

Section 7. In case the successful bidder for said franchise fails 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 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.

Section 8. 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.

Section 9. This ordinance shall take effect from and after its passage and publication.

First Reading: 3/14/88

Second Reading: 4/11/88

Adopted this 11 day of April, 1988 by 5 ayes and 0 naves.

Charles D. Barnes
Charles D. Barnes, Mayor

ATTEST:

Shelva D. Barnes
Shelva D. Barnes, Clerk