

ORDINANCE NUMBER 84

AN ORDINANCE GRANTING AN ELECTRIC FRANCHISE TO HUSTON POWER COMPANY A CORPORATION ITS SUCCESSORS AND ASSIGNS, IN THE CITY OF BONIFAY, FLORIDA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BONIFAY, FLORIDA AS FOLLOWS:

Section 1. In consideration of the benefits that will accrue to the City of Bonifay and the inhabitants thereof Huston Power Company, a corporation, its successors and assigns hereinafter referred to as the Grantee, is hereby given, granted and vested with the right, authority, easement, privilege and franchise to construct, erect, install, renew, suspend, repair, maintain operate and conduct in said City a plant or plants any system for the manufacture of electric current for all purposes whatsoever.

Section 2. the said Grantee is hereby further given, granted and vested with the right, authority, easement, privilege and franchise to construct, erect, suspend, install, renew, repair, maintain, operate, and conduct in the City a system of poles, towers, conducts, cables, conductors, transforming stations, fitting and all appliances or appurtenances necessary or desirable to the transmission distribution, or sale of electric current for all purposes whatsoever in, over, under, along, upon and across all streets, avenues, alleys, ways bridges, and public places in said City as they now exist or may hereafter be laid out or extended, install, renew, repair, maintain and operate such poles, towers, conduits, cables, wires conductors, transforming stations, fittings and all appliances and appurtenances necessary or desirable to the transmission within through, over and beyond said City and furnishing, supplying and distributing to said City, and to the inhabitants and corporations both within and beyond the limits thereof, electric energy for lighting, heating, power and all other purposes for which electric energy may be used now or hereafter, and for the purpose of extending its lines and furnishing electric current beyond the limits of said City.

Section 3. The poles, towers, conducts, cables, conductors, transforming stations, fittings, appliances and appurtenances shall be so constructed as not to unreasonably interfere with the proper use of the streets, avenues, alleys, ways bridges and public places in said city, and shall be maintained in a reasonably good condition and repair.

Section 4. Whenever the Grantee shall cause any opening or alteration to be made in any of the streets, avenues, alleys, ways, bridges, or public places of said City for the purpose of installing, maintaining, operating, or repairing any poles, towers, conduits, cables, and other appliances, the work shall be completed within a reasonable time and the Grantee shall upon the completion of such work restore such portion of the streets, avenues, alleys, ways, or other public places to as good condition as it was before the opening or alteration was so made.

Section 5. The Grantee shall hold said City harmless from any and all liability or damages resulting from the negligence of the Grantee, in the construction, maintenance or operation of said poles, towers, conduits, wires, cables, and other appliances.

Section 6. The Grantee may, from time to time, declare, make and enforce reasonable rules and regulations as a condition for the sale or distribution by it of electric current to any person, firm or corporation.

Section 7. In the event the supply of electric energy should be interrupted or fail by reason or accident or otherwise beyond the control of the Grantee, the Grantee shall restore the service within a reasonable time and such interruption shall not constitute a breach of this franchise, or nor shall the Grantee be liable for damages by reason of such interruption or failure.

Section 8. The Grantee shall install and maintain, free of charges, meters for measuring current, and shall have free access to the premises of the consumer, from time to time for the purpose of reading, repairing, testing and maintaining the meters and appurtenances and shall have the right to make charge of one dollar twenty-five (\$1.25) per month per meter for lighting service furnished hereunder, whether electric current of that value is used or not. Such meters shall remain the property of the Grantee.

Section 9. The franchise granted by this ordinance shall exist and continue for the period of thirty years only and as a condition precedent to the taking effect of this grant the City does hereby reserve and the Grantee given and grants to said municipality the right at and after the expiration of said term to purchase the electric plant or other property used under or in connection with the franchise hereby granted or such part of such property as the municipality may desire to purchase at a valuation to be fixed in accordance with the provisions of Section 1844 revised general statutes of Florida, and the grantee by its acceptance of this ordinance as provided by Section 11 thereof shall be deemed to have granted and given the municipality such right of purchase.

Section 10. Whenever in this ordinance either the City or the Grantee is named or referred to, it shall be deemed to include the respective successor, successors or assigns of either and all rights, privileges, and obligations herein conferred shall bind and inure to the benefit of such successors, successors or assigns of said City or of the Grantee.

Section 11. The Grantee, its successors or assigns shall within ninety (90) days after the approval of this ordinance by the Mayor, file a written acceptance of the ordinance with the Clerk.

Adopted and passed this 21st day of December, 1925.

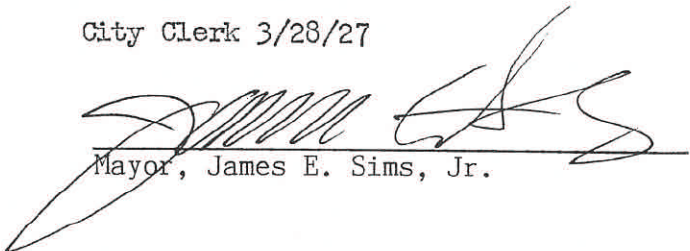
Attest:

Clerk.


President Council.

(I hereby certify the foregoing is a true and correct copy of any ordinance on file in the City Clerk's Office.

City Clerk 3/28/27


Mayor, James E. Sims, Jr.

ATTEST:


City Clerk, Shirley Mitchell

Re-adopted this 27 day of July, 1992.