

ORDINANCE NUMBER 88

AN ORDINANCE AUTHORIZING THE SALE OF THE ELECTRIC LIGHT PLANT AND SYSTEM BELONGING TO THE CITY OF BONIFAY, FLORIDA. TO GULF POWER COMPANY, ITS SUCCESSORS AND ASSIGNS.

WHEREAS, the City Council of the City of Bonifay, Florida has found the facts to be and has determined that in its the public interest requires that the electric light plant and system hereinafter described shall be sold to Gulf Power Company, a corporation, its successors and assigns, for the price of Twelve Thousand Dollars; and,

WHEREAS on the 21st day of December, A.D. 1925, the said City Council entered into a contract with Huston Power Company, its successors and assigns, for the sale of the said property more specifically described in said contract as follows:

The electric light plant and system belonging to the City, consisting of and including all generators, exciters, switch boards, poles, pole lines, posts, wire, wirelines, distribution lines, service lines, lamps, meters, transformers, brackets, insulators and all other personal property, material, machinery and fixtures wheresoever situated used and useful in connection with and belonging to said electric plant and system, excluding the power plant building and real estate; and;

WHEREAS, thereafter said Huston Power Company transferred and assigned all of its rights in the said contract of purchase to Southeastern Securities Company, a corporation, its successors and assigns, and the city Council has been notified of said assignment and subsequently thereto said Southeastern Securities Company has authorized and directed the City of Bonifay in performance of said contract to convey the said property to Gulf Power Company a corporation, its successors and assigns; and,

WHEREAS, the said contract between said City of Bonifay and the Said Huston Power Company together with the action of the City Council of the City of Bonifay in authorizing and approving the same have been published in a newspaper published in the said City of Bonifay three times, once a week for three consecutive weeks, in pursuance of the provisions of the charter of the City of Bonifay, and no petition for a referendum election was filed thereon and no such election was had; and,

WHEREAS, the Conditions mentioned in the said contract of December 21, 1925, have been performed and it is proper that the said contract should be carried out and the City of Bonifay in performance thereof is willing to convey the said property to said Gulf Power Company as directed:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BONIFAY, FLORIDA:

Section 1. That in pursuance of the said contract of December 21, 1925, and of the said assignment thereof and of said direction to convey the said property to said Gulf Power Company, its successors and assigns, the Mayor be and he is hereby authorized, empowered and directed for and on behalf of the said City of Bonifay, Florida, to receive the said payment in cash from said Gulf Power Company, its successors and assigns under the corporate seal of the City a conveyance of the said property.

Section 2. That the form of the deed of conveyance, including the description of the property to be conveyed shall be as follows:

State of Florida

Holmes County

This Indenture entered into between the City of Bonifay, a municipal corporation under the laws of the State of Florida, and Gulf Power Company, a corporation, its successors and assigns, WITNESSETH: That

WHEREAS the said City of Bonifay is the owner of the electric light plant serving said City and the inhabitants thereof; and,

WHEREAS the City Council of the said City of Bonifay did on the 21st of December, 1925 enter into a contract to sell to Huston Power Company the electric light plant and system belonging to the City as hereinafter described; and,

WHEREAS the City Council of the City of Bonifay did on the 9th day of March, A.D. 1926 in pursuance of the said contract and of the assignment thereof and of the authority and direction of the said assignee to convey the said property in the performance of the said contract to the said Gulf Power Company, a corporation, its successors and assigns, adopt an ordinance declaring the said sale shall be made for the price of Twelve Thousand Dollars and that the property be conveyed to said Gulf Power Company, its successors and assigns; and,

WHEREAS, by the said ordinance the Mayor was authorized, empowered and directed to execute in the name and on behalf of the City of Bonifay and upon payment to it of the sum of Twelve Thousand Dollars to deliver to said Gulf Power Company a deed of conveyance of the said property in the form provided in the said ordinance which is the form of this conveyance, and,

WHEREAS there has been paid to the City of Bonifay the said sum of Twelve Thousand Dollars in performance of the said contract and Gulf Power Company has become entitled to this conveyance of said property;

NOW THEREFOR, KNOW ALL MEN BY THESE PRESENTS that the said City of Bonifay, for and in consideration of the said sum of Twelve Thousand Dollars to it in hand paid, the receipt whereof is hereby acknowledged, does hereby bargain, sell, convey and grant unto said Gulf Power Company, its successors and assigns, the following described property in Holmes County, Florida to-wit;

The electric light plant and system belonging to the City, consisting of and including all generators, exciters, poles, pole lines, posts, lamps, meters, transformer, wire, wire lines, distribution lines, service lines, brackets, insulators, switchboards, and all other personal personal property, material, machinery and fixtures wheresoever situated, used and useful in connection with the belonging to said electric plant and system, excluding the power plant building and real estate.

The said property herein conveyed being hereinafter referred to as the electric light plant.

To have and to hold unto the said Gulf Power Company, its successors and assigns, forever. And the said City of Bonifay, Florida, for itself and its successors, hereby covenants to and with said Gulf Power Company, its successors and assigns, that it is well seized of an indefeasible estate in fee simple in and to the said property and has a good right to convey the same; that it is free from all liens, incumbrances and charges of every kind whatsoever and that it will warrant and defend the title to the said property unto the said Gulf Power Company, its successors and assigns, forever, against the claims of all persons whomsoever.

IN WITNESS WHEREOF said City of Bonifay has caused this instrument to be executed in its name and its corporate seal to be affixed thereto by M.M. Andrews, its Mayor, and to be attested by L.C. Moore, its Clerk, on this the _____ day of March, A.D. 1926.

Attest _____ Clerk City of Bonifay By _____ Mayor

Signed, Sealed and delivered in the presence of:

STATE OF FLORIDA

COUNTY OF HOLMES

Before the subscriber, a notary public in and for said State and County, personally appeared _____ known to me to be the Mayor, and _____ known to me to be the Clerk, respectively of the City of Bonifay, a municipal corporation under the laws of the State of Florida, each of the said persons being known to me to be the individuals described respectively by those names in and who executed the foregoing instrument and each of the said persons acknowledged to me that he has such officer and with full authority so to do executed the foregoing instrument and affixed the corporate seal of the City of Bonifay thereto in the name of and for and on behalf of the said City and as its act and deed.

Given under my hand and official seal this _____ day of March, A.D. 1926,

_____ Notary Public

My Commission expires _____

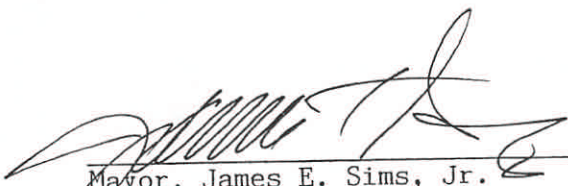
Section 2. That the Mayor of Bonifay be and he is hereby authorized, empowered and directed upon the receipt by the City of the said sum of Twelve Thousand Dollars in payment for said property to deliver the said conveyance duly executed and all of the said property to said Gulf Power Company.

Attest: L. C. Moore, City Clerk

Passed and adopted this 9th day of March, 1926.

H.B. Douglas, President City Council

Approved this 9th day of March, 1926, M.M Andrews, Mayor.



Mayor, James E. Sims, Jr.

ATTEST:



City Clerk, Shirley Mitchell

Re-adopted this 27 day of July, 1992.