

ORDINANCE NUMBER 103

Authorizing the Southeastern Telephone Co. to use the public streets of the City of Bonifay, Florida for the purpose of placing poles and electrical conductors there

Section 1. Be it ordained by the City Council of the City of Bonifay, Florida, that permission, and the same is hereby granted to the Southeastern Telephone Co., its successors, and assigns, to erect, operate and maintain lines or telephones and telegraph, including the necessary poles, fixtures and electrical conductors upon, along, and over and under the public roads, streets and highways of the City of Bonifay, Fla. as its business may from time to time require, provided that all poles shall be neat and symmetrical.

Section 2. The work of erecting poles by virtue of this ordinance shall be done under the supervision of the street committees, and the said Southeastern Telephone Co., its successors and assigns, shall replace and properly relay any sidewalk or street that may be displaced by reason of the erection of such poles, and upon failure of the company so to do, after twenty days notice in writing shall have been given by the mayor of the City of Bonifay, Florida, to said company, the city may repair such portion of the sidewalk or street that may have been disturbed by said company collect the cost so incurred from said company.

Section 3. In consideration of the rights and privileges herein granted the said Southeastern Telephone Co. its successors and assigns, shall during the life of the franchise, rights and privileges hereby granted, furnish, free of charge, to the City of Bonifay, Florida two telephones, one of which shall be located at the City Hall of said City, and the other at the Fire Station of said City, and said company its successors and assigns, shall further upon demand, provided pin space upon each of its poles in the City of Bonifay, Florida, may desire to attach either a fire alarm, telegraph or Police telegraph wires, for the free use of the police and fire alarm telegraph system of the City of Bonifay, Florida.

Section 4. Said Company shall at all times be subject to the City ordinances now in existence, or which may, hereafter, be passed, relative to the use of the public streets by telephone and telegraph companies.

Section 5. Said Company shall indemnify the city of Bonifay, Florida against and shall assume all liabilities for damages which may arise or accrue to the City of Bonifay, Florida, from any injury to person or property from the doing any work herein authorized or the neglect of the said company or any of its employees to comply by the company of this ordinance shall be an agreement by it to pay the City Of Bonifay, Fla. any sum of money for which the city may become liable from or by reason of such injury.

Section 6. The Southeastern Telephone Company shall within a reasonable length of time after the passage of this ordinance convert the present telephone system of the City of Bonifay, Florida to that type of system which is commonly known as a common battery dial system, and the franchise, rights and privileges hereby granted shall be contingent upon such conversion being made by said southeastern telephone Co., shall file with the City Clerk of the City of Bonifay, Florida, its acceptance of the franchise, rights and privileges hereby granted within sixty (60) days from the date when the franchise shall become effective, as herein above set forth.

Section 7. The franchise, rights, and privileges hereby granted shall take effect as provided in Section 6 of this ordinance, and shall thereafter continue in force and effect until and through the 31st day of December A.D. 1966, and shall be subject to all the terms and conditions of the Act of the Legislature of the state of Florida entitled an act to prohibit the granting by Municipalities of franchise or rights to use the streets for certain purposes for any term exceeding thirty (30) years, or reserving the rights at an after the expiration of which term to purchase the property used under said franchise or right. Approved June 2nd, 1899.

Section 8. Right to purchase pursuant to section 1844, Revised General statutes of Florida 1920, the City of Bonifay, Florida as a condition precedent to the taking effect of the above grant of rights and privileges or franchise, herein and hereby reserves to itself, and grantees, both immediate and mediate hereunder, consent and agree that at the expiration of the term for which the rights and privileges or franchise are granted, the said City may purchase all of the property used under or in connection with such municipal privileges, rights, or franchise, or such part of such property as the municipality may desire to purchase, at a valuation of the property, real and personal desired, which valuation shall be fixed by arbitration as may be provided by law, provided if such value can be agreed upon as between the parties in interest then no arbitration will be required.

Attest: City Clerk

Passed this 10 day of July 1941

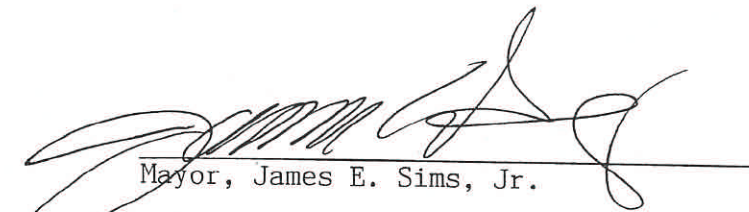
chairman City council

Approved this 11 day of July AD 1941.

Mayor.

ATTEST

  
City Clerk, Shirley Mitchell

  
Mayor, James E. Sims, Jr.

Re-adopted this 27 day of July, 1992.