

ORDINANCE NO. 44

AN ORDINANCE AUTHORIZING THE SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY TO USE THE PUBLIC STREETS OF THE CITY OF SPRINGFIELD, FLORIDA, FOR THE PURPOSE OF ERECTING, CONSTRUCTING, MAINTAINING AND OPERATING LINES OF TELEPHONE AND TELEGRAPH THEREON AND THEREUNDER.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF SPRINGFIELD IN BAY COUNTY, FLORIDA:

SECTION 1. That permission be and the same is hereby granted to the Southern Bell Telephone and Telegraph Company, its successors and assigns, to construct, maintain and operate lines of telephone and telegraph, including the necessary poles, conduits, cables, fixtures and electrical conductors upon, along, under and over the public roads, streets, and highways of the City of Springfield, Florida, 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 and constructing underground conduits under this Ordinance shall be done subject to the supervision of the City, and the Company shall replace or properly relay and repair any sidewalk or street that may be displaced by reason of such work, 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 to the Company, the City may repair such portion of the sidewalk or street that may have been disturbed by the Company, and collect the cost so incurred from the Company.

SECTION 3. In consideration of the rights and privileges herein granted, the Company, when requested by the City, will designate and provide without cost to the City (1) on each pole owned and used by the Company hereunder and

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during its ownership and use thereof, either (a) space for a fixture for, or (b) space for a crossarm for, wires of the police and fire alarm signalling system of the City, and (2) in each underground conduit owned and used by the Company hereunder and during its ownership and use thereof, one duct for the cables of the police and fire alarm signalling system of the City; provided, however, that no use shall be made by the City of said space on such poles or of said duct which will result in interfering with or impairing the operation or use of the Company's property or service, or which will endanger, damage or injure the person or property of the public or employees of the Company or City. The Company, when requested by the City, will also furnish without cost to the City one business individual line telephone for the use of its officials and employees on municipal business, to be located at a place designated by the City, with local exchange service therefrom and thereover within the City, provided however, that the telephone and service above mentioned are to be furnished under and subject to the usual rules and regulations of the Company, including those applying to the use of such a telephone for toll service, which said toll service is to be paid for by the City at the regular and lawful rates of the Company therefor.

SECTION 4. The Company shall indemnify the City against, and assume all liabilities for, damages which may arise or accrue to the City for any injury to persons or property from the doing of any work herein authorized, or the neglect of the Company or any of its employees to comply with any Ordinance regulating the use of the streets of the City, and the acceptance by the Company of this Ordinance shall be an agreement by it to pay to the City any sum of money for which the City may become liable from or by reason of such injury.

SECTION 5. The Company shall file with the City Clerk of the City its acceptance of this Ordinance within sixty days from the date when it shall take effect.

SECTION 6. Nothing in this Ordinance shall be construed as a surrender by the City of its right or power to pass Ordinances regulating the use of its streets, alleys or public grounds.

SECTION 7. This Ordinance shall be in force and effect for a term of thirty (30) years from the date when it shall take effect, and the City hereby reserves the right and requires the said Company, as a condition precedent to the taking effect of this grant, to give and grant to the City of Springfield, Florida, the right, at and after the expiration of such term, to purchase the telephone and telegraph plant or other property in said City used under or in connection with this grant, 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; and the acceptance of this Ordinance shall operate as a grant by the said Company to the City of said right to purchase.

SECTION 8. Before this Ordinance shall become effective, it shall be the duty of the City Commission of the City of Springfield to call an election within said City, which said election shall be called and held on the 8th day of September, A.D. 1953. Notice of the holding of said election shall be given in a legally qualified ~~xxx~~ newspaper of general circulation published in Bay County, Florida, for three (3) consecutive weeks, the last of said three publications to be at least fifteen (15) days prior to the date fixed for said election, which said notice shall contain said Ordinance.

In said election so called and held the ballots to be used shall be prepared by the said City Commission, and shall be in substantially the following form:

"SPECIAL REFERENDUM ELECTION
SPRINGFIELD, FLORIDA
September 8, 1953

Instructions to voters:

Those in favor of granting to Southern Bell Telephone and Telegraph Company a permit for thirty years to operate and maintain its lines mark "X" after the words "For granting thirty year permit to Southern Bell Telephone and Telegraph Company." Those against the same mark "X" after the words "Against granting thirty year permit to Southern Bell Telephone and Telegraph Company."

For Granting Thirty Year Permit to Southern Bell Telephone and Telegraph Company

Against Granting Thirty Year Permit to Southern Bell Telephone and Telegraph Company

At said election only those electors who are qualified electors (this term shall be construed to mean "freeholders" as provided by Section 7 (1), Chap. 27900, Special Acts of 1951), in said City of Springfield at the date of said election as provided by law shall be permitted to vote in said election. If a majority of the voters so qualified to vote and voting in said election vote for the adoption of said Ordinance, then such Ordinance shall become effective, or otherwise it shall not. The result of said election shall be duly certified to the said City Commission.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage, and upon its publication as provided by law, and upon its subsequent approval by a majority of the qualified voters of the City, voting at the election herein provided for.

Harold S. Jennings
Mayor

ATTEST:
Oliver D. Walker
Clerk

Passed in regular session of the city commission and approved
this 3rd day of August, A. D. 1953.

Harold S. Jennings
Mayor

I Alice D. Watson Clerk of the City of Springfield, Florida, hereby certify that the above ordinance was duly passed on first reading at a meeting of the City Commission of the City of Springfield, Florida, held on the 6 day of July, 1953 and that it was duly passed on its second and ~~third~~ reading at a meeting of said Commission held on the 3 day of August, 1953. I further certify that said ordinance was recorded in Ordinance Book No. 44, page _____, and that said recording was authenticated by the signatures of the Mayor and the City Clerk.

Alice D. Watson
Clerk

[CITY SEAL]