

AN ORDINANCE TO BE ENTITLED Ord # 74

An ordinance granting to Gulf Power Company, a corporation, its successors and assigns, the right and franchise to maintain and operate an electric plant and an electric transmission and distribution system in the City of Springfield, in Bay County, Florida, and to construct, maintain, operate and extend electric transmission and distribution lines in the streets and public places of said city, providing the terms and conditions of such grant, and calling an election for the approval or disapproval of such ordinance.

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

SECTION 1. In consideration of the benefits that will accrue to the City of Springfield in Bay County, Florida, and the inhabitants thereof, Gulf Power Company, a corporation under the laws of the State of Maine, its successors and assigns, hereinafter sometimes referred to as the Grantee, is hereby given, granted and vested with the right, authority, easement, privilege and franchise to construct, erect, suspend, install, extend, renew, repair, maintain, operate and conduct in said City of Springfield in Bay County, Florida, a plant or plants and system for the manufacture, transmission and distribution of electric energy for all purposes whatsoever.

SECTION 2. The said Grantee, its successors and assigns, is hereby further given, granted and vested with the right, authority, easement, privilege and franchise to construct, erect, suspend, install, extend, renew, repair, maintain, operate and conduct in said City of Springfield in Bay County, Florida, a system of poles, towers, conduits, cables, conductors, transforming stations, fittings, appliances and appurtenances necessary or desirable to the transmission, distribution or sale of electric energy for all purposes whatsoever in, over, under, along, upon and across all streets, avenues, alleys, ways, bridges and public places in said City of Springfield in Bay County, Florida, as they

now exist or as they may hereafter be laid out or extended within the present and future limits of said City, together with the further right, privilege and franchise to construct, erect, suspend, install, extend, renew, repair, maintain and operate a system of poles, towers, conduits, cables, wires, conductors, transforming stations, generating stations, fittings and all appliances and appurtenances necessary or desirable to the manufacture and transmission within, into, through, over and beyond said City of Springfield in Bay County, Florida, and to the furnishing, supplying and distributing to said City and to the inhabitants and corporations both within and beyond the limits thereof, of 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 energy beyond the limits of said City.

SECTION 3. As a further consideration for the granting of the rights, privileges and franchises granted hereby, the Grantee, its successors and assigns, shall pay to the said city within thirty days after the first anniversary date of this grant and within thirty days after each succeeding anniversary date of this grant, an amount which, added to the amount of all taxes (other than ad valorem taxes and excise taxes on sales payable by the public generally), licenses and other impositions and exactions levied or imposed by the said City upon Grantee's property, business or operations for the preceding tax year, will equal three per cent of Grantee's revenue from its sales of electric energy to customers served under its residential and commercial rate schedules within the corporate limits of the said City for the twelve fiscal months preceding the applicable anniversary date.

SECTION 4. The poles, towers, conduits, cables, conductors, transforming stations, generating 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 the City and shall

be maintained in reasonably good condition and repair.

SECTION 5. 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 the City for the purpose of installing, maintaining, operating or repairing any poles, towers, conduits, cables or other appliances, the work shall be completed within a reasonable time and the Grantee shall upon the completion of ^{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 6. The Grantee shall hold the 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 7. The Grantee may, from time to time, declare, make and enforce reasonable rules and regulations as conditions for the sale, transmission and distribution by it of electric energy.

SECTION 8. In the event the supply of electric energy should be interrupted or fail by reason of accident or any cause 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 nor shall the Grantee be liable for any loss or damages by reason of such interruption or failure.

SECTION 9. The Grantee shall install and maintain, free of charge, 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. Such meters shall remain the property of the Grantee.

SECTION 10. The franchise granted by this ordinance shall exist and continue for a period of thirty years only, and as a condition precedent to the taking effect of this grant, the said City of Springfield in Bay County, Florida,

does hereby reserve and the Grantee gives and grants to the said municipality, the right at and after the expiration of the 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 167.22, Florida Statutes 1955; and the Grantee by its acceptance of this ordinance as provided by Section 16 hereof shall be deemed to have granted and given the municipality such right of purchase; and the franchise granted by this ordinance is also subject to all provisions and conditions of the Charter of the said City of Springfield in Bay County, Florida.

SECTION 11. Upon the annexation to the said City of Springfield in Bay County, Florida, of any territory not within any other incorporated city or town, any portion of the electric plant and electric transmission and distribution system of the Grantee that may be located within such annexed territory and upon the streets, alleys or public grounds thereof shall thereafter be subject to all of the terms of this ordinance as though such portion were an extension made under this ordinance.

SECTION 12. Whenever in this ordinance either the City of Springfield in Bay County, Florida, 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 successor, successors or assigns of said City or of the Grantee.

SECTION 13. This ordinance and the franchise, rights and privileges granted thereby shall not become effective unless and until the same shall have been approved by a majority of the freeholders of said city voting in an election to be held for that purpose as provided by law.

SECTION 14. A special municipal election is hereby called to be held in the City of Springfield in Bay County, Florida, on June 12, 1956, at which

election this ordinance shall be submitted as provided by law for the approval or disapproval of the voters legally qualified to vote at such election. The Mayor and City Clerk shall publish a notice of said election in a newspaper published in Bay County, Florida, once a week for four consecutive weeks, commencing at least thirty days prior to the said election, in substantially the following form, to-wit:

"Notice of Election

"Notice is hereby given that by ordinance adopted by the City Commission of the City of Springfield in Bay County, Florida, on May 7 , 1956, and approved by the Mayor on May 7 , 1956, an election has been called for, and will be held on June 12, 1956, for the approval or disapproval, by a majority of the freeholders of said city voting at said election, of an ordinance granting an electric franchise to Gulf Power Company, a corporation, its successors and assigns, adopted by the City Commission of the City of Springfield in Bay County, Florida, on May 7 , 1956, and approved by the Mayor on May 7 , 1956, entitled:

"An ordinance granting to Gulf Power Company, a corporation, its successors and assigns, the right and franchise to maintain and operate an electric plant and an electric transmission and distribution system in the City of Springfield in Bay County, Florida, and to construct, maintain, operate and extend electric transmission and distribution lines in the streets and public places of said city, providing the terms and conditions of such grant; and calling an election for the approval or disapproval of such ordinance."

"Only such qualified electors as are freeholders of said city shall be eligible to vote.

J. W. Williams

Mayor

ATTEST:

Alice D. Watson

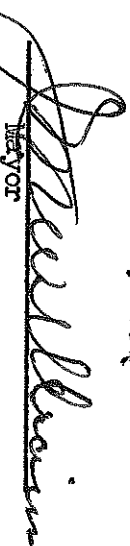
City Clerk

SECTION 15. The City Clerk as Registration Officer is hereby directed to


open and keep open the city registration book before said election; to prepare for use at said election a list of the voters qualified to vote thereat and to deliver said list to this commission; and to publish the said list of registered voters for this commission, all as provided in the ordinance of this city governing city elections; and the following inspectors and clerks for said election are hereby appointed, to-wit: Precinct # 1 Mrs. O.B.Sawyer, Clerk, Nell Kirkland, Mrs. Ruth Writch and Mrs. Bonnie Danfield- Inspectors, Mr. J. C. McKnight-Balliff. Precinct # 2 Sara Mount- Clerk, A. A. Horne, J. C. Varner, Clifford Johnson-Inspectors, and Mr. Morrison-Balliff

SECTION 16. The Grantee, its successors or assigns, shall, within 90 days after the City Commission shall have declared the approval of this ordinance at said election, file a written acceptance of this ordinance with the City Clerk.

Adopted and passed this 7th day of May, 1956.


Mayor

ATTEST:


City Clerk

Approved this 7th day of May
1956.


Mayor