
ORDINANCE NO. 70-6

"An ordinance providing for the sale of a franchise or privilege to construct, lay, maintain, operate, repair and remove mains, pipes and connections and appurtenant equipment for the purpose of transporting, distributing and vending natural and artificial gas or a mixture of said gases for public and private uses along, under, over and across the streets, avenues, lanes, alleys and public grounds of the City of Russellville, Logan County, Kentucky, for a period of twenty (20) years."

THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE DOES
ORDAIN AS FOLLOWS:

That the right and privilege to use the public streets, avenues, lanes, alleys and public grounds within the city limits of the City of Russellville for the purpose of constructing, laying, maintaining, operating, repairing and removing mains, pipes and connections and appurtenant equipment through which to transport and vend natural and artificial gas or a mixture of said gases for a period of twenty (20) years, be duly advertised for sale publicly to the highest and best bidder, the City of Russellville reserving the right to reject any and all bids; but which franchise, right and privilege shall not be exclusive for any part of such twenty (20) year period.

Said sale shall be made for cash in hand at time of sale, plus all cost of advertising and selling. Said sale shall be subject to confirmation and ratification or rejection by the City Council of the City of Russellville and if the sale shall not be so confirmed and ratified, the amount paid shall be returned to the successful bidder.

The sale of the franchise herein contemplated shall be made by M. E. O'Brien, City Clerk of the City of Russellville or by someone designated by him, who is hereby commissioned to make due advertisement of said sale, which advertisement shall include a description of said franchise, right and privilege in the News-Democrat, a newspaper of general circulation published in the City of Russellville, Kentucky, and by posting typewritten notices of same in three public places in the City of Russellville for at least ten days next before November 3rd, 1970, on which date between the hours of 1:00 ^{P.}~~A~~.M., and 2:00 ^{P.}~~A~~.M., he shall at the front door of the City Hall in the City of Russellville offer for sale at public outcry to the highest and best bidder for cash in hand or a certified check, plus all cost

including advertising cost, the franchise, right and privilege herein contemplated. The newspaper advertisement aforesaid shall be published in the three issues of the aforesaid newspaper next preceding the date of sale. The aforesaid Clerk shall submit his report of such sale in writing to the City Council of the City of Russellville at its next regular meeting.

The terms and conditions of the franchise, right and privilege so to be advertised and offered for sale, and to be granted in the event the sale is confirmed by the City Council shall be as follows:

Section 1. The purchaser, his or its successors or assigns, shall have the franchise, privilege, right and power to open the streets, avenues, alleys, lanes and public grounds within the city limits of the City of Russellville and to introduce thereunder, construct, lay, maintain, operate, repair and remove mains and pipes with street boxes, valves, gauges, regulators, meters, house connections and other connections along, over, under, across, in and upon said streets, alleys, lanes and public grounds, necessary or convenient for the purpose of conveying, transporting, distributing and vending natural and artificial gas or a mixture of said gases, for public and private uses, during a term of twenty years from and after the date of the ratification of such sale; but under the restrictions and subject expressly to the provisions herein contained.

Section 2. All excavations made by the purchaser, his or its successors or assigns, for introduction, maintenance, repair or removal of such mains, pipes and appliances shall be

made with the least practicable inconvenience to the public or individuals and with all reasonable dispatch, and shall be protected properly at night to avoid danger, and all damage to streets, sidewalks or other public property caused by such excavations shall be repaired by the purchaser, his or its successors or assigns, at his or their proper cost and without unnecessary delay, and if he or they shall fail or neglect to remove all obstructions caused by him or them or shall fail or neglect to make necessary repairs within a reasonable time, the City of Russellville may remove or repair the same, after reasonable notice of its intention so to do, at the cost of the purchaser or the then owner and holder of said franchise; and the purchaser, his or its successors or assigns, shall be responsible for all injuries or damage to persons or property occasioned by want of care in opening, closing or repairing, or in any other manner unnecessarily or carelessly obstructing said streets, avenues, lanes or public grounds.

Section 3. All mains, pipes and appliances shall be so constructed, laid, placed and maintained as not in any manner to interfere with the drainage of the City, or with underground fixtures for the conveyance of water. All work done under the provisions of said franchise shall be subject to the approval of the engineer of the City of Russellville or some other authorized agent of the City.

Section 4. The purchaser, his or its successors or assigns, shall have the right to remove all mains, pipes, connections, appliances and other property from the streets, avenues, lanes, alleys, ways and public grounds of the City of Russellville within

a reasonable time after the expiration or other termination of this franchise.

Section 5. The franchise, right, privilege and power herein described, together with all the terms and conditions hereof, shall extend and apply to the successors and assigns of the purchaser, and unlimited and unrestricted power and authority to assign and transfer the same at will and without further consent thereto by the City of Russellville or its inhabitants, is hereby expressly given and granted to the purchaser, his or its successors and assigns.

Section 6. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect from and after its final passage.

Adopted by roll call vote of the Russellville City Council on this 20th day of October, 1970.

Wallace Hendon
Mayor

ATTEST:

Shelby
City Clerk