

ORDINANCE NO. 146

AN ORDINANCE AUTHORIZING FLORIDA POWER CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO USE THE PUBLIC STREETS, ALLEYS AND OTHER PUBLIC PROPERTY OF THE CITY OF PORT ST. JOE, FLORIDA, FOR THE PURPOSE OF ERECTING, CONSTRUCTING, MAINTAINING AND OPERATING LINES FOR TRANSMISSION OF ELECTRICAL POWER THEREON AND THEREUNDER, FOR A PERIOD OF TWENTY-FIVE YEARS; PROVIDING FOR PAYMENT FOR SAID FRANCHISE, GRANTING A FRANCHISE FOR SAID PURPOSE, FOR A PERIOD SUBJECT TO RENEGOTIATION AT THE END OF ANY FIVE YEAR PERIOD, IF THE LAW CHANGES REGARDING PAYMENT OF FRANCHISE FEES; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING THAT SAID ORDINANCE SHALL BE EFFECTIVE ONLY IF APPROVED BY REFERENDUM.

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF PORT ST. JOE, FLORIDA:

SECTION 1. PERMISSION TO OPERATE: That permission be and the same is hereby granted to the Florida Power Corporation, its successors and assigns, the right, privilege and franchise to construct, operate and maintain in the said City of Port St. Joe, all electric power facilities required by the Grantee for the purpose of supplying electricity to Grantors and its inhabitants and the places of business located within Grantor's boundaries.

SECTION 2. METHOD OF INSTALLATION & MAINTENANCE: 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 to do so, 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. PERMISSION REGARDING STREETS: That with respect to the right, privilege and franchise granted to Grantee in Section 1 above, said Grantee shall have for a period of twenty-five (25) years the right, privilege, franchise, power

and authority to use the streets, avenues, alleys, easements, wharves, bridges, public thoroughfares, public grounds and/or other public places of Grantor as they now exist or may hereafter be constructed, opened, laid out or extended beyond the present geographical boundary lines of the Grantor.

SECTION 4. STANDARD RATES: The rates to be charged by the Grantee for electric service rendered under this franchise shall be the Grantee's standard public tariffs now in effect or as subsequently approved by the Florida Public Service Commission or such other state agency as may have proper jurisdiction under the general laws of the State of Florida.

SECTION 5. FEES: In consideration of the rights and privileges herein granted, the Company agrees that the City may require the Company to collect any franchise fees the City may wish to pass on to the customers, up to 6% of the gross receipts. The City shall publish in its Minutes, by resolution or motion, the amount of the charge to be imposed. The charge shall not change more often than annually.

City also reserves the right to renegotiate this franchise at any five (5) year interval if the law pertaining to franchise taxes should change so as to allow charges to be made against the Company.

SECTION 6. INDEMNITY: The Grantor shall in no way be liable or responsible for any accident or damage that may occur in the construction, operation or maintenance by Grantee of its facilities hereunder, and the acceptance of the ordinance shall be deemed an agreement on the part of the Grantee to indemnify Grantor and hold it harmless against any and all liability, loss, cost, damage or expense which may accrue to Grantor by reason of the neglect, default or misconduct of Grantee in the construction, operation or maintenance of its facilities hereunder.

SECTION 7. NEW TERRITORY: In the event of annexation of any territory to the present corporate limits of Grantor,

any and all portions of the electric system of Grantee located in said annexed territory shall be subject to all of the terms and conditions of this grant as though it were an extension made hereunder.

SECTION 8. TERM AND EFFECTIVE DATE: This ordinance shall be in force and effect for a term of twenty-five (25) years from and after its passage. This ordinance shall become effective only upon approval at a referendum at which more than fifty (50%) per cent of the voters voting approve said franchise. An election is hereby called for November 6, 1984.

This ordinance introduced Sept. 4, 1984, and adopted
, 1984.

CITY OF PORT ST. JOE, FLORIDA

By: _____
Mayor-Commissioner

Attest: _____
Auditor and Clerk

NOTE: This Ordinance was not adopted. See Minutes October 2, 1984, (Page 105 - Minute Book #16) where further action was withheld and referendum date was set as May 14, 1985.