

MO-KAN DIAL CO., INC.

LOUISBURG, KANSAS

Serving

Louisburg, Kansas 66058

Freeman, Missouri 64746

ORDINANCE NO. 6

AN ORDINANCE GRANTING TO THE MO-KAN DIAL COMPANY, INC. A FRANCHISE TO USE THE STREETS, AVENUES, BOULEVARDS, ALLEYS AND OTHER PUBLIC PLACES IN THE CITY OF WESTLINE, COUNTY OF CASS, STATE OF MISSOURI, TO CONDUCT THE BUSINESS OF INSTALLING, MAINTAINING, MANAGING AND OPERATING A TELEPHONE SYSTEM WITH ALL NECESSARY POLES, WIRES, CABLES, FIXTURES AND APPRATUS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WESTLINE, CASS COUNTY, MISSOURI, AS FOLLOWS:

That the Mo-Kan Dial Company, Inc., a corporation organized under the laws of the State of Kansas, with a license to do business in the State of Missouri, its successors and assigns, be and they are hereby granted the right, in the City of Westline to conduct the business of installing, maintaining, managing and operating a telephone system, to construct and maintain all the necessary poles, wires, cables, pole and wire fixtures, telephone plant, and telephone apparatus of whatsoever nature for the purpose of conducting such business, to erect and maintain such telephone poles with the usual fixtures, and string the same with wire and cable along the streets, avenues, boulevards, alleys and other public places of said City of Westline, and to construct or lay and maintain such conduits as Grantee, its successors and assigns, may require, under the streets, avenues, boulevards, alleys and other public places, aforesaid, for the purpose of such business, under the following terms and restrictions, to-wit:

1. The term of this grant shall be for ten (10) years from this date, subject to all ordinances regulating, taxing and controlling telephone lines or systems, in the City of Westline, Missouri.

2. The Grantee, its successors and assigns, shall conduct such telephone business in such a manner as shall be to the benefit of the City of Westline and its inhabitants, rendering good telephone service, at reasonable rates as authorized by the Missouri Public Service Commission, or, any other State or Local Governmental Agency charged by law with the power to regulate public utilities.

3. All poles and overhead wires or cables erected under this ordinance shall be so placed, whether on streets, avenues, boulevards, alleys or other public places as not to interfere unnecessarily with ordinary travel on such streets, avenues, boulevards, alleys or other public places. All poles erected under this ordinance shall be so located as not to injure unnecessarily any drains, sewers, catch basins, or other like public improvements, and said Grantee shall forthwith repair

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any damages so caused to the satisfaction of the Mayor of said City, and in default thereof, said City may repair such damage and charge the cost thereof to, and collect the same from said Grantee.

4. The poles of the Grantee, its successors and assigns, shall be placed and erected in such a manner as not unreasonably to interfere with the orderly conduct of the business and the rights of any other public service corporation having a right or franchise to operate its business in said City.

5. All work of locating and erecting poles or placing underground conduit, under and by virtue of this ordinance, shall be done under the supervision of the Mayor, or some other authorized person or persons.

6. The said Grantee shall hold the City of Westline free and harmless from all damages arising by reason of any abuse or negligence in said occupancy, for the payment of which said City may have become liable to any person, persons, or corporations by reason of the granting of this ordinance or by reason of construction or operation of said telephone system, or by reason of said Telephone Company failing to conform or comply with any of the provisions or requirements of this ordinance.

7. The said Telephone Company shall remove, raise or adjust its aerial plant after 48 hours notice by the Mayor of Westline, or another properly authorized City Official, for the purpose of permitting the moving of houses, or other structures, along the streets of Westline, however, the person or persons for whose benefit such telephone plant is removed, raised or adjusted, shall first secure proper permission from the City of Westline for the moving and agree to pay said Telephone Company for its related costs and damages. If desired, and advance deposit by the mover may be required by the Telephone Company.

8. In consideration for rights and privileges herein granted, the said Telephone Company shall pay annually 225⁰⁰ Dollars to the City of Westline, Missouri, effective May 2 1977, and such yearly payments shall be made by the 15th day of May of each year of the period covered during the term of this ordinance, the first payment to be May 15 1977. This shall be in lieu of any general or special license tax, occupation tax, or any other such tax for the period of this ordinance. The payment of the sum of 225⁰⁰ Dollars as herein provided, shall be subject to review at the end of five (5) years

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or upon any annexation extending the city limits, at which time said sum shall be raised or lowered proportionately in accordance with the applicable gross income of the Grantee as the same may increase or diminish when compared to the first complete fiscal year of operations by the Company.

9. Said Telephone Company shall file its acceptance of this ordinance with the Clerk of said City, within thirty (30) days after its passage and approval.

10. Failure to comply with the terms and conditions of this ordinance shall work a forfeiture of this franchise.

11. This franchise, as well as the rights hereunder, may be assigned by the Grantee as well as all succeeding Grantees, at their option, and the assigns shall succeed to all the rights, duties and liabilities of the Grantee hereunder.

12. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

13. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor and its acceptance by said Telephone Company.

Read three times and passed by the Board of Aldermen of the City of Westline, Missouri, this 2nd day of May, 1977.

Luther C. Arnold
Mayor, City of Westline, Missouri

SEAL

Attest:

Ruth Gilbert
City Clerk

APPROVED this 2nd day of May 1977.

Luther C. Arnold
Mayor

Attest:

Ruth Gilbert
City Clerk