

ORDINANCE NO. 2-1987

AN ORDINANCE GRANTING MOKAN DIAL, INC., A KANSAS CORPORATION WITH A LICENSE TO DO BUSINESS IN THE STATE OF MISSOURI, ITS SUCCESSORS AND ASSIGNS, A TELEPHONE FRANCHISE PRESCRIBING THE TERMS AND CONDITIONS THEREOF, AND RELATING THERETO, AND REPEALING ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH OR CONFLICTING WITH TERMS THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTLINE, MISSOURI AS FOLLOWS:

SECTION 1. That in consideration of the benefits to be derived by the City of Westline, Missouri, and its inhabitants, there is hereby granted to MoKan Dial, Inc., hereinafter designated as "Grantee", said Grantee being a Kansas Corporation with a license to do business in the State of Missouri, the right, privilege and authority for a period of ten (10) years from the effective date of this Ordinance, to occupy and use the present and future streets, avenues, alleys and other public places of said city and such future annexed areas for the placing and maintaining of telephone lines, together with all necessary and desirable appurtenances, including underground conduits, underground cable, towers, wires and other appurtenances necessary to carry on the business of a telephone public utility and render telephone services to the City of Westline, Missouri, its inhabitants and persons and corporations beyond the limits thereof, and through said city and beyond the limits thereof, and to do all things necessary or proper to carry on said business of a telephone public utility.

SECTION 2. As further consideration for the granting of this franchise, and in lieu of any city occupation license or revenue taxes, the Grantee shall pay to the city during the term of this franchise \$225.00/100 annually, payable on the 15th day of May of each year.

SECTION 3. That the Grantee, its successors and assigns, in the construction, maintenance and operation of its telephone system shall use all reasonable and proper precaution to avoid damage or injury to persons or property and shall hold and save harmless the City of Westline, Missouri, from any and all damages, injury and expense caused by the sole negligence of said Grantee, its successors and assigns or its or their agents or servants.

SECTION 4. That within thirty (30) days from and after the passage and approval of said Ordinance, said Grantee shall file with the City Clerk of Westline, Missouri, its unconditioned written acceptance of this Ordinance.

SECTION 5. That any and all ordinances in conflict with the terms hereof are hereby repealed.

SECTION 6. That this Ordinance shall become effective and be in force and shall be and become a binding contract between the parties hereto, their successors and assigns, from and after its passage and approval, as required by law, and acceptance by Grantee.

Read three times and passed by the Board of Alderman of the City of Westline, Missouri this 2nd day of March 1987.



SEAL

James F. Sander
Mayor, City of Westline, Missouri

ATTEST:

Judith K. Swanson
City Clerk

APPROVED THIS 2nd DAY OF March 1987.

James F. Sander
Mayor

ATTEST:

Judith K. Swanson
City Clerk