

AN ORDINANCE GRANTING THE RIGHT, PERMISSION AND AUTHORITY TO MISSOURI POWER & LIGHT COMPANY, A CORPORATION ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF MISSOURI, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, MAINTAIN AND OPERATE IN THE VILLAGE OF TUSCUMBIA, COUNTY OF MILLER, STATE OF MISSOURI, A SYSTEM FOR THE MANUFACTURE, TRANSMISSION, DISTRIBUTION AND SALE OF ELECTRICITY FOR LIGHT, HEATING AND POWER PURPOSES.

WHEREAS, THE MISSOURI POWER & LIGHT COMPANY, a corporation duly organized and existing under the laws of the State of Missouri, hereinafter designated as "Power Company" has applied to the Village of Tuscumbia, hereinafter also designated as "municipality" asking that the right, privilege, and authority be granted to it, its successors and assigns, by ordinance, to construct, maintain and operate a system for the manufacture, transmission, distribution and sale of electricity for lighting, heating and power purposes, to said Municipality, and the inhabitants thereof; and

WHEREAS, said Power Company has duly complied with all provisions of the laws of the State of Missouri, and with all ordinances of said Municipality with reference to the obtaining of such right, privilege and authority:

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Tuscumbia as follows:

- Section 1. That the right, permission and authority be, and the same are hereby granted to said Power Company, to construct, maintain and operate in the Village of Tuscumbia, a Municipal Corporation, organized and existing under and by virtue of the laws of the State of Missouri, a system for the manufacture, transmission, distribution and sale of electricity for lighting, heating and power purposes. The Power Company may construct, maintain and operate all necessary poles, wires, conduits, and apparatus necessary or convenient for such system in, upon, over, across and under each and all the streets, alleys, avenues, bridges, and other public places, including any subsequent additions thereto, and may trim trees where necessary in said Municipality, subject to conditions and regulations hereinafter set forth.
- Section 2. That all poles, wires, conduits and apparatus erected or placed under this grant shall be located in streets or alleys whenever practicable, so to do, and shall be so located, whether in streets, alleys, avenues, bridges, or other public places as to obstruct travel as little as possible, and shall be erected, maintained and replaced in compliance with all provisions of Ordinances of the said Municipality now in force or which may hereafter be adopted relative to the protection of its streets, alleys and public places. All abandoned poles shall be removed by Power Company as soon as service is discontinued. All poles shall be set in straight lines so far as possible, and all overhead wires, conductors and cables shall, so far as possible, be kept at least eighteen (18) feet above the level of the ground.

Section 3. That Power Company shall furnish electric energy to the inhabitants of the Village of Tuscumbia continuously under this franchise, subject, however, to interruptions caused by break-down of the system, acts of God, strikes, governmental interference, accident or any cause beyond control of Power Company. The rates to be charged for the various classes of service to be furnished under this franchise are the legal rates on file with the State of Missouri Public Service Commission and shall be subject to the jurisdiction of said Commission or its legally constituted successors.

Section 4. That all rights and privileges granted by this ordinance are granted for a term of 20 years from and after the acceptance of this ordinance as hereinafter provided.

Section 5. That this ordinance shall be submitted for ratification by the qualified voters of the Village of Tuscumbia, Missouri, as required by law, at the special election to be held within the Village of Tuscumbia on _____.

The ballots used in such election shall have printed thereon the words:

Shall Ordinance No. 115 granting the right, permission and authority to Missouri Power & Light Company to construct, maintain and operate in the Village of Tuscumbia, County of Miller, State of Missouri, a system for the manufacture, transmission, distribution and sale of electricity for lighting, heating and power purposes for a term of 20 years from and after the acceptance of this ordinance be ratified and approved?

YES

NO

INSTRUCTIONS TO VOTERS

To cast a ballot in favor of the proposition, place a cross (X) mark in the square opposite the word "YES".

To cast a ballot against the proposition, place a cross (X) mark in the square opposite the word "NO".

Said election shall be held under the supervision of _____ judges, to be appointed by the Board of Trustees by Ordinance or resolution, and _____ clerks to be appointed by said judges, all of whom shall have the qualifications of judges and clerks at a general election in said Village. Said election as to time of opening and closing the polls, and preparing, receiving and depositing the ballots, and recording the names of the voters and in all other respects shall be conducted in accordance with the laws governing the holding of a general State or County election so far as practical.

*Notice of
Spec Election*

- Section 6. That the Village Clerk is hereby directed to give notice of the holding of said election and of the proposition to be voted thereon, in the manner required by law.
- Section 7. Upon the result of said special election hereinbefore provided for being certified to the Board of Trustees, if it shall appear that the proposition to grant the franchise hereinabove set forth shall have carried and been endorsed by the qualified voters voting at said election, then said franchise as hereinbefore set forth, upon its acceptance by said Company, shall immediately be valid and have full effect and force, and the said Missouri Power & Light Company, shall within thirty days thereafter, file with the Village Clerk its written acceptance thereof.
- Section 8. That all provisions of this ordinance which are obligatory upon or which inure to the benefit of the said MISSOURI POWER & LIGHT COMPANY, shall all be obligatory upon and shall inure to the benefit of all successors and assigns of said MISSOURI POWER & LIGHT COMPANY, and the word "Power Company" wherever used in this ordinance shall include and be taken to mean not only MISSOURI POWER & LIGHT COMPANY, but all successors and assigns of said MISSOURI POWER & LIGHT COMPANY.
- Section 9. All other ordinances or parts of Ordinances are hereby repealed in so far as they conflict and this Ordinance shall be enforced and take effect from and after its passage.

PASSED BY Board of Trustees of said Village of Tuscumbia, County of Miller, State of Missouri, this _____ day of _____ A.D. 19_____.

APPROVED BY THE Mayor of said Village of Tuscumbia, County of Miller, State of Missouri, this _____ day of _____ A.D. 19_____.

Mayor

ATTEST:

Village Clerk

STATE OF MISSOURI)
) SS
COUNTY OF MILLER)

I, _____, Clerk of the Village of Tuscumbia, County of Miller, State of Missouri, do hereby certify that the foregoing is a true, correct and complete copy of an electric franchise ordinance, duly passed by the Board of Trustees of said Village of Tuscumbia this _____ day of _____ A.D. 19 _____, the original of which electric franchise ordinance is on file in my office.

I do hereby certify that I am the legal custodial of all papers, contracts, documents, and records of said Village.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said _____ this _____ day of _____ A.D. 19 _____.