

BILL NO. _____

ORDINANCE NO. 112

AN ORDINANCE GRANTING FOR A PERIOD OF TWENTY (20) YEARS TO UNION ELECTRIC COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, EXCAVATE FOR, PLACE, MAINTAIN, OPERATE AND USE ITS POLES, TOWERS, WIRES, CONDUITS, CONDUCTORS AND OTHER EQUIPMENT, WITH ALL NECESSARY OR APPROPRIATE APPURTENANCES AND APPLIANCES IN CONNECTION THEREWITH, IN, ALONG, ACROSS, OVER AND UNDER THE STREETS, ROADS, ALLEYS, SIDEWALKS, SQUARES, BRIDGES AND OTHER PUBLIC PLACES IN THE VILLAGE OF TUSCUMBIA, FOR THE PURPOSE OF TRANSMITTING, FURNISHING AND DISTRIBUTING ELECTRICITY FOR LIGHT, HEAT, POWER AND OTHER PURPOSES WITHIN AND THROUGH SAID VILLAGE, PRESCRIBING THE TERMS AND CONDITIONS OF SUCH GRANT AND IMPOSING CERTAIN OBLIGATIONS UPON THE GRANTEE, ITS SUCCESSORS AND ASSIGNS, SUCCESSIVELY, IN CONNECTION THEREWITH.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF TUSCUMBIA, MISSOURI, AS FOLLOWS:

Section 1. The right, permission and authority is hereby granted to, and vested in Union Electric Company, a Missouri corporation, its successors and assigns, hereinafter called the "Company," to construct, reconstruct, excavate for, place, maintain, operate and use all necessary or appropriate poles, towers, wires, conduits, conductors and other equipment, with all necessary or appropriate appurtenances and appliances in connection therewith, in, along, across, over and under the streets, roads, alleys, sidewalks, squares, bridges and other public places within the corporate limits of the Village of Tuscumbia, as now fixed and as hereafter extended, for the purpose of furnishing and distributing electricity for light, heat, power and other purposes within said Village and in territory adjacent to said Village and for the purpose of transmitting electricity through said Village; all such equipment, appliances and apparatus to be installed and maintained with due regard to the rightful use by other

permission and authority hereby granted shall at all times be subject to proper regulation by the Village in the exercise of its police powers.

Section 2. Extensions of, and additions to Company's electric system in the Village shall be made in accordance with the applicable rules and regulations of the Missouri Public Service Commission or other governmental regulatory authority having jurisdiction of the subject.

Section 3. In order for Company to render efficient and continuous electrical service, it will be necessary for Company to trim the trunks and branches of trees along or over the streets, sidewalks, alleys, avenues, squares, bridges and other public places in said Village wherever the same are likely to come in contact with its equipment; therefore, Company is hereby granted the right to trim such trees, including the trunks, branches and all parts thereof, so as to enable it to erect and maintain its equipment in a regular and consistent form and manner, and to enable it to provide the most efficient and continuous service that the circumstances will permit; provided, however, that Company shall exercise proper care and discretion in cutting and trimming said trees and all parts thereof; and provided further, that, except in cases of emergencies, Company shall first notify the Village of its intention to do said work so that the Village may, if it so elects, supervise and superintend such trimming.

Section 4. The rights, privileges and authority hereby granted shall inure to and be vested in Company, its successors and assigns, successively, subject to all of the terms, provisions and conditions herein contained, and each of the obligations hereby imposed upon said Company shall devolve and be binding upon its successors and assigns, successively, in the same manner.

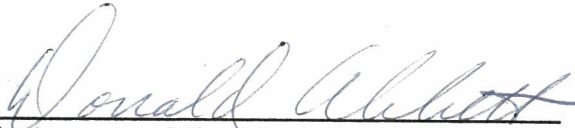
Section 5. This Ordinance shall confer no right, privilege or authority on Company, its successors, licensees, transferees or assigns unless Company shall within sixty (60) days after due notice to the Company of the enactment of this Ordinance, file with the Village Clerk an acceptance of the terms and provisions hereof; provided, however, that if such acceptance be not so filed within said period of sixty (60) days, all rights, privileges, and authority herein granted shall become null and void.

Section 6. This Ordinance and Franchise, upon its enactment and its acceptance by Company, as hereinbefore provided, shall continue and remain in full force and effect for a period of twenty (20) years from the date of said enactment.

Section 7. All ordinances and parts of ordinances in conflict with this Ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

Section 8. If any provision of this Ordinance, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this Ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

The above Ordinance was passed this 5 day of NOVEMBER, 1974, and is now signed by the Chairman of the Board of Trustees and attested by the Village Clerk on the day of its passage.



Chairman of the Board of Trustees

ATTEST:

STATE OF MISSOURI)
) SS
VILLAGE OF TUSCUMBIA)

I, Homer O Wright, Village Clerk within and for
the Village of Tuscumbia, do hereby certify that the foregoing constitutes
a full, true and correct copy of Ordinance No. _____ of said Village
as passed by the Board of Trustees on the 5 day of NOVEMBER,
1974, as fully as the same appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
the corporate seal of the Village of Tuscumbia, Missouri, at my office
in said Village, this 5 day of NOVEMBER, 1974.

Homer O Wright
Village Clerk