

ORDINANCE NO. 16

AN ORDINANCE GRANTING TO FLORIDA POWER CORPORATION, ITS LEGAL REPRESENTATIVES, SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE, AND IMPOSING CERTAIN CONDITIONS RELATING THERETO.

BE IT ORDAINED BY THE PEOPLE OF THE TOWN OF MEXICO BEACH, BAY COUNTY, FLORIDA:

Section 1. That for a period of 30 years, the Town of Mexico Beach (herein sometimes referred to as Grantor) does hereby give and grant to Florida Power Corporation, a corporation organized and existing under the laws of the State of Florida, and to its legal representatives, successors and assigns (herein called Grantee), the right, privilege and franchise to construct, maintain and operate in the said Town of Mexico Beach, electric light and power facilities (including conduits, poles, wires, substations, overhead and underground transmission and distributing lines) for the purpose of supplying electricity to Grantor its inhabitants and the places of business located within Grantor's boundaries, and for the further purpose of distributing and/or transmitting electric current for any other purpose for which electricity may be used.

Section 2. That with respect to the right, privilege, and franchise granted to Grantee in Section 1 above, said Grantee shall have for a period of thirty (30) 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 Grantor.

Section 3. 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 4. That within thirty days after the first anniversary of the effective date of this grant, and within thirty days after each succeeding anniversary of the effective date of this grant, the Grantee, its successors and assigns shall pay to the Grantor an amount which added to the amount of all taxes, licenses, and other impositions levied or imposed by the Grantor upon the Grantee's electric property, business or operations, for the preceding tax year, will equal 6% of Grantee's revenues from the sale of electrical energy to residential and commercial customers within the corporate limits of the Grantor for the twelve months preceding the applicable anniversary date.

Section 5. At and after the expiration of this franchise, Grantor shall have the right to purchase the electric plant and facilities of Grantee located within the corporate limits of Grantor which are used under or in connection with this franchise or right, at a valuation of the property desired, real and personal, which valuation shall be fixed

by arbitration as may be provided by law. Excepted from this reservation are power plants erected outside the present corporate limits and high tension transmission lines owned by the Corporation and connected with its general system of distribution and used for the purposes of serving communities other than the Grantor herein. As a condition precedent to the taking effect of this franchise grant, Grantee shall give and grant to the Grantor the right to purchase herein so reserved. Grantee shall be deemed to have given and granted such right of purchase and satisfied this condition precedent by its acceptance of this franchise.

Section 6. That 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 this ordinance shall be deemed an agreement on the part of Grantee, to indemnify Grantor and hold it harmless against any and all liability, cost, loss, 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. 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. That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 9. This ordinance shall take effect Sept. 2, 1969, which date shall be used in computing the 30 year period of this franchise.

Passed first reading this 5th day of August, A.D. 1969.

Passed second reading this 2nd day of September, A.D. 1969.

C. M. Parker
Mayor C. M. Parker
George Holland
George Holland
Edward J. Austin
Edward J. Austin
Sam Harner
Sam Harner
Richard L. Fortner
Richard L. Fortner

Town Council

ATTEST:

Mary A. Earley
Mary A. Earley, Town Clerk