

ORDINANCE NO. 57

AN ORDINANCE AUTHORIZING THE ST. JOSEPH TELEPHONE AND TELEGRAPH COMPANY TO USE THE PUBLIC STREETS OF THE TOWN OF MEXICO BEACH, FLORIDA, FOR THE PURPOSE OF ERECTING, CONSTRUCTING, MAINTAINING AND OPERATING LINES OF TELEPHONE AND TELEGRAPH THEREON AND THEREUNDER.


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

Section 1. That permission be and the same is hereby granted to the St. Joseph Telephone and Telegraph Company, its successors and assigns, to construct, maintain and operate lines of telephone and telegraph, including the necessary poles, conduits, cables, fixtures and electrical conductors upon, along, under and over the public roads, streets and highways of the Town of Mexico Beach, Florida, as its business may from time to time require, provided that all poles shall be neat and symmetrical.

Section 2. The work of erecting poles and constructing underground conduits under this ordinance shall be done subject to the supervision of the Town and the Company shall replace or properly relay and repair any sidewalk or street that may be displaced by reason of such work, and upon failure of the Company so to do, after twenty days' notice in writing shall have been given by the Mayor of the Town to the Company, the Town may repair such portion of the sidewalk or street that may have been disturbed by the Company, and collect the cost so incurred from the Company.

Section 3. In consideration of the rights and privileges herein granted, the Company shall pay to the Town annually a sum equal to one per cent of the gross receipts of the Company from rentals derived from telephones in use within the corporate limits of the Town. Payment shall be made to the Town for each of the years that this ordinance is in effect and shall be based on the

INTRODUCED at a Regular Meeting of the Town Council on  
the 12th day of August, 1975, and ADOPTED by the Town Council on  
the 9th day of September, 1975.

  
*Charles E. Hulford*  
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Mayor-Councilman

*Jesse P. Mellius*  
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Town Clerk

receipts of the Company for the preceding fiscal year. For the purposes of this payment, such fiscal year shall end on the last day of the month in which the ordinance becomes effective. Payment shall be made within six months of the end of such fiscal year. By mutual agreement the one per cent franchise on the gross receipts may be adjusted any time subsequent to the effective date of this ordinance.

Section 4. The Company shall indemnify the Town against, and assume all liabilities for, damages which may arise or accrue to the Town for any injury to persons or property from the doing of any work herein authorized, or the neglect of the Company or any of its employees to comply with any ordinance regulating the use of the streets of the Town, and the acceptance by the Company of this ordinance shall be an agreement by it to pay to the Town any sum of money for which the Town may become liable from or by reason of such injury.

Section 5. The Company shall file with the Town Clerk of the Town its acceptance of this ordinance within ninety days from the date when it shall take effect.

Section 6. Nothing in this ordinance shall be construed as a surrender by the Town of its right or power to pass ordinances regulating the use of its streets.

Section 7. This ordinance shall be in force and effect for a term of 30 years from and after twenty (20) days after its passage, and the Town hereby reserves the right and requires the said Company, as a condition precedent to the taking effect of this grant, to give and grant to the Town of Mexico Beach, Florida, the right, at and after the expiration of such term, to purchase the telephone and telegraph plant or other property in said Town used under or in connection with this grant, or such part of such property as the municipality may desire to purchase at a valuation of the property, real and personal, desired, which valuation shall be fixed by arbitration, as may be provided by law; and the acceptance of this ordinance shall operate as a grant by the said Company to the Town of said right to purchase.