

AN ORDINANCE GRANTING A FRANCHISE OR PRIVILEGE TO USE THE STREETS, AVENUES, ALLEYS AND PUBLIC PLACES OF THE VILLAGE OF WOODS HEIGHTS, MISSOURI, FOR THE PURPOSE OF OMINING AND OPERATING AND MAINTAINING A NATURAL GAS DISTRIBUTION SYSTEM, CONSISTING OF THE NECESSARY PIPES, CONDUITS AND OTHER APPARATUS INCIDENT TO THE DISTRIBUTION AND SALE WITHIN THE TOWN OF WOODS HEIGHTS, MISSOURI, OF NATURAL GAS TO BE PLACED BENEATH THE SURFACE OF SAID STREETS, ALLEYS, OR OTHER PUBLIC PLACES FROM POINTS WITHIN AND WITHOUT THE SAID TOWN OF WOODS HEIGHTS, AND PROVIDING FOR AN ELECTION TO BE HAD AND HELD WITHIN THE SAID TOWN TO TEST THE SENCE OF THE VOTERS OF SAID TOWN AS TO RATIFICATION OF SAID FRANCHISE.

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

SECTION ONE: That Polo Gas Service, Inc. doing business in Caldwell County, Missouri, and Incorporated under the Laws of the State of Missouri, under the Name "Polo Gas Service, Inc." be and it is, subject to the conditions and obligations, covenants and arrangements hereinafter contained, hereby authorized and empowered to own, maintain and operate in and through the said town of Woods Heights, Missouri, a Village, a system for the distribution and transmission of natural gas from points either within or without the limits of said Municipality to said town and the inhabitants thereof, and from or through said Municipality beyond the limits thereof and for the sale of same for light, heat, power and other purposes; and to erect, and maintain pipes and conduits and all apparatus necessary or convenient for the operation of said system under each and all of the streets, avenues, alleys and public places in said Town; to acquire and hold as by Law authorized, any and all real estate, easements, and other rights, necessary for said purpose; to use while constructing and operating said system, within the present and future limits of said Municipality, and any and all streets, avenues, alleys and public ways or grounds as are now or may be hereafter laid out; to cross any stream in said Town for the purpose of constructing, maintaining, or extending such pipes or other apparatus as may be necessary or convenient for the proper distribution and transmission of natural gas in and through said Municipality, and beyond the limits thereof.

SECTION TWO: All pipes and conduits laid or excavations made under this ordinance shall be so placed, whether under streets, alleys, avenues or other public places, as not to interfere with travel on such streets, alleys, avenues and other public places. All pipes laid under this Ordinance shall be located as not to injure unnecessarily any drains, sewer, septic tanks, water pipes, or other like public or private improvements, and said Grantee shall forthwith repair any damages so caused, to the satisfaction of the Committee on streets and alleys of said Municipality, and the Board of Trustees, and in default thereof, said Municipality, may repair such damage and charge the cost thereof to, and collect from said Grantee. In evidence of good faith, the said licensee, Polo Gas Service, Inc. shall before entering in and upon any of the public streets, alleys and public

"Against Ordinance No. 16 granting a gas Franchise to Polo Gas Service, Inc."

Instructions: Voter wishing to vote for the Ordinance shall draw a line through the phrase, "Against Ordinance No. 16 granting Gas Franchise to Polo Gas Service, Inc."

Voter wishing to vote against the Ordinance shall draw a line through the phrase, "For Ordinance No. 16 granting a Gas Franchise to Polo Gas Service, Inc."

SECTION FIVE

Notice of the said election shall be given by posting at least 5 typewritten notices in proper form at least fifteen days prior to the date of said election at 6 public places within said Village of Wood/ Heights.

SECTION SIX

At the close of the polls upon said election date, the results shall be certified by the judges and clerks of each designated place to the mayor and council, who shall meet to receive the same, and if the majority of voters voting at said election have voted to accept the said ordinance granting the franchise, the Clerk of said Village shall by proper certificate, certify the results to the said Polo Gas Service, Inc., and enter the same upon the Clerk's Journal. Which said certificate shall be in the form following:

"We do hereby certify that at an election called for the purpose of accepting or rejecting ordinance No. 16, being an Ordinance granting certain gas franchise rights to Polo Gas Service, Inc. within the Village of Wood/ Heights, Missouri, the following votes were cast:

FOR the Ordinance received \_\_\_\_\_ votes.

AGAINST the Ordinance Received \_\_\_\_\_ votes.

SPOILED ballots \_\_\_\_\_."

SECTION SEVEN

This ordinance shall be in full force and effect from date of passage thereof.

Read three times, passed and approved this 17th day of November 1961.

/s/ Harry F. Young  
MAYOR

ATTEST: /s/ Mary Ashworth  
CITY CLERK

I do further certify that the vote per trustee upon this Ordinance as certified by my Journal entry was as follows:

Harry Young yes

Ralph Baughman voted yes

Robert Reeves voted yes

Leo Shelton, Jr. voted yes

Harrell Heavelow voted yes

IN WITNESS WHEREOF, I have hereunto set my hand this 17 day of NOV., 1961.

/s/ Mary Ashworth  
CITY CLERK

Board of Trustees of said Village.

SECTION EIGHT: The licensees shall as soon as possible after the approval of the Franchise Sections of this Ordinance by a majority of said <sup>Inhabitants</sup> ~~the Board of Trustees~~ ~~of the Village~~ agree to complete the same and have the same in satisfactory operation not less than three months after the approval by the voters of the Franchise. If the licensee shall for any reason fail to complete said distribution system and have the same in satisfactory operation within the period specified, upon failure it shall be considered a forfeiture of his rights under this Ordinance. Before removal of any pipes or underground conduits, he shall deposit with the Village a Surety Bond in a sum determined by said Board of Trustees, to save harmless said Town, and to repair and restore any streets or other property damaged by such removal.

SECTION NINE: This Ordinance appertaining to the franchise shall be submitted to the voters of the Village of Wood~~de~~ Heights, Missouri, for ratification or rejection, at an election to be had and held for that purpose upon the 12th day of December 1961. The ballots to be used for that purpose shall have printed thereon "For the Ordinance Number 16 granting a gas franchise to Polo Gas Service, Inc." and "Against the Ordinance Number 16 granting a gas franchise to Polo Gas Service, Inc." The votes cast for and against the ratification of this ordinance shall be canvassed and returned in the same manner as votes cast for City Officers. In the event that a majority of the qualified voters of the said Village of Wood~~de~~ Heights, Missouri, voting at such election shall ratify and consent to this Ordinance, the result of said vote shall be certified in writing to the licensee by the City Clerk of said Municipality.

SECTION TEN: This Ordinance shall be in force from and after its passage by the Board of Trustees and approval by the Mayor and the authorization of approval thereof by a majority of the electors of the Town voting thereon, as provided by law.

READ three times, passed and approved by the Board of Trustees of the Village of Wood~~de~~ Heights, Missouri, this 17th day of November, 1961.

/s/ Harry F. Young

MAYOR

ATTEST: /s/ Mary Ashworth  
CITY CLERK

I do further certify that the vote per Trustee upon this Ordinance as certified by my Journal entry was as follows:

Harry Young	yes
<u>Ralph Baughman</u>	<u>voted Yes</u>
<u>Robert Reeves</u>	<u>voted Yes</u>
<u>Leo Shelton, Jr.</u>	<u>voted Yes</u>
<u>Harrell Heavelow</u>	<u>voted Yes</u>

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of November, 1951.

/s/ Mary Ashworth  
CITY CLERK