

applied to the village of Wood Heights, hereinafter 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 Wood Heights as follows:

SECTION 1

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 Wood Heights, 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, along, and under each and all of the streets, alleys, avenues, bridges, and other public places, and may trim trees where necessary in said municipality in accordance with the ordinances and regulations currently in force in said municipality.

SECTION 2

All poles erected under this ordinance shall be not less than twenty-five feet in length, and all poles and conduits shall be located under such supervision as municipality may from time to time provide and so as not to injure unnecessarily any pavements, sidewalks, drains, sewers, water pipes or other like improvements; and said power company shall repair the damage caused by such location to pavements, sidewalks, drains, sewers, water pipes and other public

ORDINANCE NO. 290

AN ORDINANCE GRANTING THE FRANCHISE, RIGHT, PERMISSION AND AUTHORITY TO THE 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 WOOD HEIGHTS, COUNTY OF RAY, STATE OF MISSOURI, A SYSTEM FOR THE MANUFACTURE, TRANSMISSION, DISTRIBUTION AND SALE OF ELECTRICITY FOR LIGHTING, HEATING AND POWER PURPOSES; PROVIDING THE TERMS THEREOF.

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

places. All necessary work shall be done with due and reasonable dispatch and with the least practicable interference with the rights of the public.

SECTION 3

The rates to be charged by the said power company under this ordinance shall be in accordance with those now or hereafter filed with and approved by the Missouri Public Service Commission or its legally qualified successor.

SECTION 4

That the poles, wires and equipment placed on the streets or public places of said municipality shall be exempt from any special tax assessments, license or rental charge during the entire term of this franchise.

SECTION 5

The municipality shall have the right at its expense to use the poles erected by the power company for its fire alarm system or any electric police alarm system it may hereinafter adopt; but municipality shall indemnify and save said power company harmless from all damages, injuries, costs and claims for damage to property whatsoever and person whomsoever, in any way caused by or resulting from the installation, operation and removal of such alarm systems on poles of said power company.

SECTION 6

Said power company shall maintain adequate and continuous service to the inhabitants of said municipality, in accordance with its rules and regulations on file with the Missouri Public Service Commission subject, however, to temporary cessation of service occasioned by fire, explosion, flood, strike, insurrection, mob violence, governmental interference, breakdown or injury to equipment or lines or other accidents or causes not reasonably within control of said power company.

SECTION 7

That all rights and privileges granted by this ordinance are granted for a term of twenty years

from and after the acceptance of this ordinance as hereinafter provided, but nothing herein shall be construed as giving said power company an exclusive right to the privileges herein granted.

SECTION 8

That after the passage and approval of this ordinance and within sixty days after such approval, this ordinance shall be accepted of said power company by the filing with the clerk of said municipality any unconditional written acceptance thereof.

SECTION 9

This ordinance, upon acceptance by the power company as above provided, shall be and become a valid grant; and the rights therein granted shall thereupon become effective, subject to all the terms and conditions herein set forth.

SECTION 10

That all provisions of this ordinance, which are obligatory upon or which inure to the benefit of said Missouri Power & Light Company, shall be obligatory upon and shall inure to the benefit of all successors and assigns of said Missouri Power & Light Company; and the words *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.

Passed on February 1, 1977.