Expires March 2003

ORDINANCE NO. 409

AN ORDINANCE GRANTED TO THE GAS SERVICE COMPANY, A CORPORATION, OPERATING A GAS DISTRIBUTION SYSTEM IN THE CITY OF WOOD HEIGHTS, MISSOURI, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO OPERATE A NATURAL GAS DISTRIBUTION PLANT AND SYSTEM IN SAID CITY, IMPOSING

AN OCCUPATION AND LICENSE TAX, AND RELATING THERETO.

SECTION 1
That there is hereby granted to The Gas Service Company, a corporation operating a gas distribution system in the city of Wood Heights, Missouri, herein called the *grantee,* its successors and assigns, the rights, privileges and franchise, for a period of twenty years from the effective date hereof, to construct, maintain and operate in the present and future streets, alleys, bridges and public places in said city, its gas distribution system as now located, together with the right, privilege and franchise to acquire, construct, maintain and operate therein and thereon such additions and extensions thereto as may be necessary or desirable, all for the purpose of supplying natural gas for all purposes to the inhabitants of said city and consumers in the vicinity thereof.

SECTION 2
All rates established and charges made by grantee for gas distributed and sold hereunder shall be subject to valid and lawful orders of the Public Service Commission of the State of Missouri, or other competent authority having jurisdiction in the premises, and the sale of gas to consumers shall be governed by the present operating rules, regulations and customs of grantee and such rules and regulations as may hereafter be prescribed or approved.

SECTION 3
That in consideration of and as compensation for this right, privilege and franchise hereby granted, the grantee, its successors and assigns, shall furnish gas at such pressure and of such quality as shall be designated by lawful orders of the Public Service Commission of said state, if such gas is reasonably procurable; shall furnish free of cost to each consumer a recognized standard meter or other instrument for measurement of gas sold or computation of consumer's bills and keep same in repair at its cost, which meter shall at all times be subject to inspection by said city; shall at all times save the city harmless from any and all damages which said city may be liable to pay that may arise from the construction, maintenance and operation of its plant system or any part thereof; shall limit all excavations of streets, alleys or public places to the necessity of efficient operation had shall not at any one time open or encumber more of any highway or public place than shall be reasonably necessary to enable grantee to proceed with advantage in laying or repairing mains or pipes and shall not permit such highway or public place to remain open longer than necessary for the purpose for which it was opened; shall refill all excavations and replace all pavements with like material and leave same in as good condition as when altered or removed; shall perform all work on streets, alleys and public places under supervision of a representative of said city, if so desired; and shall repay said city all expenses to which it has been put in the repair or replacement of streets, highways or pavements in the event such work is done by said city after the neglect or refusal of grantee to perform same in a reasonable time.

SECTION 4
Grantee shall not later than February 1 and August 1 respectively of each year make a report to the governing body of the city of Wood Heights of its gross receipts from the sale of gas for domestic and commercial purposes within the corporate limits of said city for the six months' period ending at the last meter reading preceding December 31 and June 30 respectively; and at the time of making such reports, pay into the city treasury a sum equal to five percent of said gross receipts subsequent to the effective date of this franchise, which shall be charged to the operating expenses of the company. Domestic and commercial sales shall be considered as sales made other than on special contracts providing for stand-by fuel and interruption of service at any time demands of domestic and commercial consumers may so require. Said percentage of grantee's gross receipts is hereby levied and assessed as an occupation and license tax for the privilege of engaging in the business herein recited during the term hereof; and as a further consideration for this franchise, grantee agrees to

recognize the same as a valid tax and make said payments during such period.

SECTION 5
The franchise herein granted shall be conditioned upon the approval thereof by a majority of the qualified voters of the city of Wood Heights, Missouri, voting at an election for the purpose of testing the sense of the voters on said question. A ballot covering said question shall be submitted to the qualified voters of the city of Wood Heights, Missouri, at an election to be held in said city on the 8th day of February 1983.

SECTION 6
The city clerk shall notify in writing the county clerk of Ray County, Missouri, to conduct said election and to cause legal notice of said election to be published once each week for two consecutive weeks, the first publication occurring in the second week prior to the election and the last publication occurring within one week prior to election and shall provide said county clerk the name of the agency calling the election, a certified copy of the legal notice to be published and a sample ballot as required by law. The grantee shall provide the city clerk with a deposit in the amount to be determined to be equal to the estimated cost of conducting the election which amount the city clerk shall in turn deposit with county clerk not later than the 18th day of January, 1983. Any additional cost of the election shall also be paid by the grantee.

SECTION 7
The ballot to be used in said election shall be in the following form:

> Shall the rights, privileges and franchise to construct, acquire, operate and maintain a gas plant, mains and appurtenances in the streets, alleys, bridges and public places of the city of Wood Heights, Missouri, for the purpose of supplying natural gas to said city and citizens and customers in the vicinity thereof, as provided in Ordinance No. 409, be granted to The Gas Service Company, its successors and assigns?
>
> ❑ YES
> ❑ NO
>
> Instructions to Voters:
> If you are in favor of the question, place an X in the box opposite YES.
> If you are opposed to the question, place an X in the box opposite NO.

SECTION 8
The election shall be held in those voting places in said city designated by the county clerk and shall be conducted and the result ascertained by the county clerk as provided by law.

SECTION 9
Not later than the second Tuesday after the election, the county clerk shall cause the returns to be certified to the city of Wood Heights as provided by law, and the governing body thereof shall determine and by resolution shall declare the result of said election; and if a majority of the qualified voters voting at said election have expressed their assent to the granting of said franchise, said franchise shall become effective immediately, provided that the grantee shall file its written acceptance of said franchise within thirty days from the date said governing body shall have declared the results of said election. The cost of said election shall be paid by the grantee.

SECTION 10
Ordinance No. 37 is hereby repealed, such repeal to be effective on the effective date hereof.

Passed by the board of alderman on December 7, 1982.

RESOLUTION NO. R421

A RESOLUTION DECLARING THE RESULT OF THE ELECTION HELD IN THE CITY OF WOOD HEIGHTS, MISSOURI, ON THE 8TH DAY OF FEBRUARY, 1983, FOR THE PURPOSE OF TESTING THE SENSE OF THE QUALIFIED VOTERS OF SAID CITY ON

THE QUESTION OF WHETHER TO GRANT A FRANCHISE TO THE GAS SERVICE COMPANY, ITS SUCCESSORS AND ASSIGNS, TO OPERATE A NATURAL GAS DISTRIBUTION PLANT AND SYSTEM IN SAID CITY AS SET OUT IN ORDINANCE NO. 409.

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI:

THAT pursuant to and in accordance with Ordinance No. 409, passed and approved on the 7th day of December, 1982, an election was called and held in the city of Wood Heights, Missouri, on the 8th day of February, 1983, for the purpose of testing the sense of the qualified voters of said city on the question set forth in said ordinance of whether to grant to The Gas Service Company, its successors and assigns, a franchise to operate a natural gas distribution plant and system in said city;

THAT the county clerk of Ray County, Missouri, has caused the results of said election to be duly certified to the city of Wood Heights as provided by law;

THAT said results of the election have been examined by the governing body of said city which has determined therefrom that thirty-two votes were cast in favor of said question and two votes were cast against said question;

THAT it is hereby declared that a majority of the qualified voters voting at said election have expressed their assent to the granting of the franchise and said question is hereby declared to have been decided in the affirmative; and

THAT pursuant to the provisions of said ordinance, the franchise therein set forth be and it is hereby declared to be in full force and effect as of the date hereof.

THIS RESOLUTION passed and adopted by the board of aldermen on March 1, 1983.