

AN ORDINANCE AUTHORIZING THE ST. JOSEPH TELEPHONE AND TELEGRAPH COMPANY TO USE THE PUBLIC STREETS, ALLEYS AND OTHER PUBLIC PROPERTY OF THE CITY OF PORT ST. JOE, FLORIDA, FOR THE PURPOSE OF ERECTING, CONSTRUCTING, MAINTAINING AND OPERATING LINES OF TELEPHONE AND TELEGRAPH THEREON AND THEREUNDER; FOR A PERIOD OF TWENTY-FIVE YEARS; PROVIDING FOR PAYMENT OF SAID FRANCHISE, GRANTING A FRANCHISE FOR SAID PURPOSE, FOR A PERIOD SUBJECT TO RENEGOTIATION AT THE END OF ANY FIVE YEAR PERIOD, IF THE LAW CHANGES REGARDING PAYMENT OF FRANCHISE FEES; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING THAT SAID ORDINANCE SHALL BE EFFECTIVE ONLY IF APPROVED BY REFERENDUM.

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF PORT ST. JOE, FLORIDA:

SECTION 1. PERMISSION TO OPERATE: That permission be and the same is hereby granted to 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 City of Port St. Joe, Florida, as its business may from time to time require, provided that all poles shall be neat and symmetrical.

SECTION 2. METHOD OF INSTALLATION AND MAINTENANCE: The work of erecting poles and constructing underground conduits under this ordinance shall be done subject to the supervision of the City 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 City to the Company, the City 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. FEES: In consideration of the rights and privileges herein granted, the Company agrees that the City may

require the Company to collect any franchise fees the City may wish to pass on to the customers, up to Six (6%) Percent of the gross receipts. The City shall publish in its Minutes, by resolution or motion, the amount of the charge to be imposed. The charge shall not change more often than annually.

The City reserves the right to renegotiate this franchise at any five (5) year intervals if the law pertaining to franchise taxes should change so as to allow charges to be made against the Company.

SECTION 4. INDEMNITY: The Company shall indemnify the City against, and assume all liabilities for, damages which may arise or accrue to the City 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 City, and the acceptance by the Company of this ordinance shall be an agreement by it to pay to the City any sum of money for which the City may become liable from or by reason of such injury, including any attorney's fees or court costs incurred by the City.

SECTION 5. ACCEPTANCE: The Company shall file with the City Clerk of the City its acceptance of this ordinance within ninety (90) days from the date when it shall take effect.

SECTION 6. RIGHT TO CONTROL STREETS: Nothing in this ordinance shall be construed as a surrender by the City of its rights or power to pass ordinances regulating the use of its streets.

SECTION 7. TERM AND EFFECTIVE DATE: This ordinance shall be in force and effect for a term of Twenty-five (25) years from and after its passage. This ordinance shall become effective only upon approval at a referendum at which more than Fifty (50%) per cent of the voters voting approve said franchise. An election

is hereby called for November 6, 1984.

THIS ORDINANCE introduced this 4th day of Sept., A.D.,
1984, and ADOPTED this . . . day of . . . , A.D., 198 .

CITY OF PORT ST. JOE, FLORIDA

BY: _____
MAYOR

ATTEST:

CITY CLERK

NOTE: This Ordinance was not adopted. See Minutes October 2, 1984,
(Page 105 - Minute Book #16) where further action was withheld and
referendum date was set as May 14, 1985.