

FILED²

MAR 14 2006

No. 21706.(Book N, Page 228.)

An Ordinance establishing an electric works in the City of Kansas.

Be it Ordained by the Common Council of the City of Kansas:

Missouri Public
Service Commission

That L. R. Moore, Wm. Holmes, M. W. St. Clair, J. W. L. Slavens, S. F. Scott, M. H. Smith, John W. Beebe, and R. B. Hamlin and their assigns be, and they are hereby authorized subject to the limitations hereinafter provided, to establish, construct and maintain Electric Works in the City of Kansas, Jackson County, Missouri, for illuminating and heating purposes and for furnishing motive power; to construct lines above ground or lay down pipes and-conductors through the streets, avenues, lanes, alleys and public grounds of the said City of Kansas, to erect and maintain all necessary lamp posts and poles on any and all of said streets, avenues, lanes, alleys, or public-grounds. To erect and maintain all necessary buildings, machinery and attachments of any description, necessary and proper for said Electric Works; and for the purpose of erecting said lamp posts and poles, laying down said pipes and constructing said conductors, and repairing the same, during the continuance of this franchise, may enter, upon any street, avenue, lane or alley Linder the control of said city, to take up the pavement or sidewalks upon such streets, avenues, lanes or alleys and make such excavations therein as may be necessary: Provided that such pavements or sidewalks shall be taken up and said excavations made under the direction of the City Engineer of said city; and in such a manner as to give the least inconvenience to the inhabitants of said city, and that said pavements, sidewalks and excavations shall be replaced and repaired in as good condition as before with all convenient speed by and at the expense of said parties or their assigns.

Sec. 2. Nothing in this ordinance shall be so construed as to absolve said parties or their assigns from any legal liability or proceeding to restrain or abate any nuisance arising from their operations nor from liability from any injury to persons or property resulting from the negligence or fault of such parties, their assigns or any of their servants while working under the direction of said parties or their assigns; nor to render the City of Kansas-liable to any person or persons or corporation, for damage caused by the construction or operation of said Electric Works by parties or their assigns growing out of the franchise hereby created.

Sec. 3. That before any work shall be commenced by said parties or their assigns, under this ordinance, the said parties or their assigns, shall execute to the said City of Kansas, a bond in the sum of Ten Thousand dollars conditioned that the said parties, their successors or assigns shall fully indemnify and save the said City of Kansas harmless from all actions for personal damages by any person against said city by reason of any injury received from or on account of the negligence or carelessness of said parties or their assigns arising either from the construction, repair or operation of such Electric Works; and from all carelessness and neglect of duty to the city, persons, property and corporations on the part of said parties, their agents, servants and employees; said bond to be signed by two or more good and sufficient sureties, azM to be subject to the approval of the City Comptroller. Should the Common Council of the City of Kansas at any time during the continuance of this franchise deem the sureties upon said bond insufficient, and if they so declare by resolution, the said parties, their successors or assigns shall with in thirty days after the service of said resolution upon the party in charge of said Electric Works in the City of Kansas, file a new bond with good and sufficient surety for the amount and conditioned as aforesaid.

Exhibit No. 43
Case No(s) EC-2006-0332
Date 3-07-06 Rptr KF

Sec. 4. That the said parties, their successors or assigns, shall within 12 months after the approval of this ordinance, in good faith commence the construction of said Electric Works in said City of Kansas, and complete the laying down of two miles of street mains or conductors or lines above ground and have the same ready to supply electric light to consumers within two years thereafter, unless restrained or enjoined by some proceeding at law or in equity. The time they are so restrained or enjoined shall not be taken or considered as a part of said two years aforesaid.

Sec. 5. Whenever the Council shall, by General Ordinance, determine that all lines, pipes or conductors for illuminating and heating purposes and for furnishing motive power by Electric Works, shall be laid under ground, then and in such case all lines, pipes and conductors erected above ground under this ordinance shall be taken down and transferred under the ground as may be provided in such general ordinance and with as little delay as possible.

Sec. 6. That when any lines or conductors shall run along or through any public park of the city, one light shall be placed in such park, free of cost to the city; and maintained without expense to said city.

This ordinance having remained with the Mayor five days (Sundays excepted) has become a law on the 3rd day of December, A. D. 1881.

V. D. CALLAHANT,
(Seal) City Clerk.

Attachment 5:

Kansas City Ordinance No. 21706