

ORDINANCE NO. 58

Be it ordained by the Board of Aldermen, of the City of Portage Des Sioux, State of Missouri, as follows:

" AN ORDINANCE PROVIDING FOR THE LIGHTING BY ELECTRICITY OF THE STREETS, AVENUES, ALLEYS AND OTHER PUBLIC PLACES IN THE CITY OF PORTAGE DES SIOUX, IN THE STATE OF MISSOURI, BY CONTRACT, SETTING FORTH THE TERMS OF THE PROPOSED CONTRACT THEREFOR BETWEEN SAID CITY AND UNION ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, AND PERMITTING SAID COMPANY TO ERECT, OPERATE AND MAINTAIN POLES, LINES, WIRES, CABLES, TRANSFORMERS AND OTHER APPLIANCES IN THE STREETS AND ALL OTHER PUBLIC PLACES, NECESSARY FOR AND APPROPRIATE TO THE PERFORMANCE OF SAID CONTRACT AS DESCRIBED HEREIN:"

ORDINANCE NO. 58

SECTION I

That the proposed contract, in the form as hereinafter set out, by and between the City of Portage Des Sioux, State of Missouri and Union Electric Company, a corporation, its successors and assigns, providing for all of the lighting of the streets, avenues, alleys and other public places of the said City of Portage Des Sioux by electricity, according to the terms, provisions, stipulations, and agreements therein specified, be and the same is hereby approved and confirmed, and that the Mayor and the City Clerk of said City of Portage Des Sioux be and they hereby are authorized and directed to execute in behalf of the said City of Portage Des Sioux the said contract, which is in words and figures, as follows, to-wit:

STREET LIGHTING CONTRACT

THIS CONTRACT, made and entered into this 6th day of December, 1961, by and between UNION ELECTRIC COMPANY, a Missouri

Corporation, its successors and assigns, hereinafter called "Contractor", and the CITY OF PORTAGE DES SIOUX, a municipal corporation incorporated under the laws of the State of Missouri, hereinafter called "City", WITNESSETH:

WHEREAS, the Board of Aldermen of the City has determined that lighting of the streets, alleys and public places of the City should be provided by contract, and

WHEREAS, Contractor is now, and has been for a considerable time in the past, supplying electric energy to inhabitants of the City and has occupied and used certain streets, alleys and public places of the City for such purpose, and proposes to continue to use substantially all of the facilities and equipment now installed therein for such purpose and to occupy and use such streets, alleys and public places to supply the street lighting service desired by the City, as hereinafter set forth,

NOW, THEREFORE, the parties hereto agree as follows:

The City, acting by its Board of Aldermen, does hereby award to Contractor all lighting by means of electricity of the streets, avenues, alleys and public places of the City as they may now exist or may be extended, for a term of ten years from and after the first day that lighting is supplied hereunder, and the City agrees to pay for and Contractor agrees to sell and deliver, such street lighting service in the manner and subject to the terms and conditions hereinafter set forth.

1. Character of Service. Initial service supplied hereunder shall be by the lamps of the number, character and size set forth in Appendix 1 attached hereto. Additional service to be supplied hereunder, whether by installation of additional lamps or replacement by larger lamps, shall be in accordance with and subject to

the terms and conditions set forth in Contractor's SERVICE CLASSIFICATION NO. 12 - MUNICIPAL STREET LIGHTING RATES, a copy of which is presently on file with the Public Service Commission of Missouri, is on file with the City Clerk and is to be attached hereto as Appendix 2 and made a part hereof.

2. Rate Schedule. All service delivered hereunder shall be paid for by the City under, and shall be subject to the terms and conditions of, said Service Classification and Contractor's General Rules and Regulations applicable thereto on file with the Public Service Commission of Missouri. The rates applicable to the initial service supplied hereunder are set forth in Appendix 1 hereto. This contract, including said Service Classification and General Rules and Regulations, shall be subject at all times to review, control, change and regulation by the Public Service Commission of Missouri, insofar as the same may be within the jurisdiction of said Commission, upon the application of either or both of the parties hereto.

3. Notices, etc. All notices, applications and request by the City hereunder shall be in writing signed by the City Clerk and delivered or mailed to Contractor at its office, 1801 Fair Lane, St. Charles, Missouri.

4. Term. This contract shall continue in effect for a term of ten (10) years from and after the date hereof. At the option of the City, ten-year renewal contracts may be entered into at the times and with the effect set forth in said Service Classification.

5. Termination of Prior Agreement. This contract supersedes and cancels all prior agreements between the parties hereto relating to the lighting service which is the subject hereof.

IN WITNESS WHEREOF, the parties hereto have caused this

contract to be executed in duplicate at the City of Portage Des Sioux, in the State of Missouri, as of the day and year first above written.

UNION ELECTRIC COMPANY

ATTEST:

Secretary

by _____
Vice President

CITY OF PORTAGE DES SIOUX, MISSOURI

Attest:

Clerk

by _____
MAYOR

APPENDIX I

Initial Street Lighting Service
City of Portage Des Sioux

Lamps Mounted on Standard Distribution Type Wood Poles

<u>Number of Lamps</u>	<u>Lamp Numbers by Union Electric</u>	<u>Candlepower</u>	<u>Schedule</u>	<u>Rates per Lamp Per Year</u>
12	15 thru 26	250	"B"	\$28.56
14	1 thru 14	250	"C"	\$24.24

Applicable Rates-
(See Appendix 2)

SECTION II

The City hereby grants to Union Electric Company, its successors and assigns, while engaged in the performance of said contract, the right and privilege to erect, maintain and operate an electric light system consisting of poles, lines, wires, cables, transformers and other apparatus and appliances necessary for and appropriate to the efficient performance of said contract, upon, under, over and across the streets, avenues, alleys and other public places in the City of Portage Des Sioux.

SECTION III

If any provision of this ordinance, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this Ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION IV

All Ordinances or parts of Ordinances in conflict with this Ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

SECTION V

This Ordinance shall take effect immediately upon its passage by the Board of Aldermen and its approval by the Mayor.

Enacted December 4, 1961.

MAYOR

ATTEST:

CLERK