

AN ORDINANCE GRANTING THE KANSAS STATE TELEPHONE COMPANY, INC., ITS SUCCESSORS AND ASSIGNS A FRANCHISE, THE RIGHT AND PRIVILEGE TO USE THE STREETS, ALLEYS, AND PUBLIC GROUNDS OF THE CITY OF GALENA, KANSAS FOR THE PURPOSE OF ERECTING, LAYING, AND MAINTAINING CONDUITS FOR TELEPHONE LINES TOGETHER WITH THE NECESSARY POLES, WIRES AND OTHER APPARATUS, EQUIPMENT AND APPLIANCES THEREFORE AND TO STRING WIRE ABOVE GROUND OR CARRY THE SAME THEREUNDER, AND TO DO ALL THINGS NECESSARY AND PROPER FOR THE PURPOSE OF OPERATING AND MAINTAINING A TELEPHONE SYSTEM WITHIN THE LIMITS OF THE CITY OF GALENA, KANSAS. AND TO SUPPLY AND SELL TELEPHONE SERVICE TO SAID CITY AND THE INHABITANTS THEREOF UPON THE EXPRESS CONDITIONS HEREINAFTER IMPOSED AND NOT OTHERWISE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GALENA, KANSAS;

Section 1. The Kansas State Telephone Company, Inc. a Delaware Corporation of Cherokee County, Kansas, its successors and assigns, are hereby authorized and empowered to use the streets, avenues, lanes, alleys, and other public grounds in the City of Galena, Kansas, as its limits now are or may be, for the purpose of erecting, laying, and maintaining conduits for telephone lines together with the necessary poles, wires, and other apparatus, equipment and appliances therefore and to string wire above ground or carry the same thereunder, and to do all things necessary and proper for the purpose of operating and maintaining a telephone system within the limits of the City of Galena, Kansas and to supply and sell telephone service to said city and the inhabitants thereof.

Section 2. The Kansas State Telephone Company, Inc., shall use every reasonable precaution to avoid damage or injury to person or property and agrees to indemnify and save harmless the City of Galena, Kansas, from damage, injury, suits, actions, loss or expense arising out of any negligent construction, reconstruction, repair, maintenance or operation of its said telephone lines and apparatus.

Section 3. The Kansas State Telephone Company, Inc., agrees that it will furnish continuous and uninterrupted telephone service from and after final passage of this ordinance and franchise, to the end of said franchise, except for unavoidable interruptions caused by strikes, riots, governmental interference or regulation and acts of providence or accident beyond its control.

Section 4. All rates established and charges made by The Kansas State Telephone Company, Inc. for telephone service and sold to the City of Galena, Kansas, and the inhabitants thereof, shall be subject to the valid and lawful orders of the corporation commission of the State of Kansas, having jurisdiction thereof and the furnishing and sale of telephone service to consumers thereof shall be governed by such rules, regulations and practices of the company as may now and hereafter be prescribed and approved by competent authority.

Section 5. The Kansas State Telephone Company, Inc. in consideration of the franchise hereby granted and as consideration therefore, shall pay the City of Galena, Kansas, no later than February 1st and August 1st respectively, each calendar year during the term and existence of their said franchise, an amount equal to Four Percent (4%) of the total annual gross revenue received by the said Kansas State Telephone Company, Inc., from subscribers within the limits of said City of Galena, Kansas.

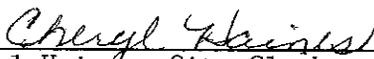
Section 6. All the terms and provisions of this ordinance and franchise shall be binding upon the respective successors and assigns of the City of Galena, Kansas, and The Kansas State Telephone Company, Inc. The franchise granted herein shall continue and be in full force and effect for a period of five (5) years from and after the effective date of this ordinance, provided that acceptance is made in writing by The Kansas State Telephone Company, Inc., signed and attested by its proper officers and filed with the Clerk of the City of Galena, Kansas, within Thirty (30) days from and after the effective date of this ordinance and franchise.

Section 7. This ordinance shall take effect and be in force and the franchise herein granted shall be and become effective from and after the final passage of this ordinance and publication thereof in the official city paper, The Galena Sentinel-Times, and as provided by the laws of the State of Kansas, pending approval by the Kansas Corporation Commission.

Passed by the Council and approved by the Mayor this 18th day of November, 19 86.

  
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John O. Stephenson, Mayor

Attest:

  
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Cheryl Haines, City Clerk

(Seal)

ACCEPTANCE

STATE OF KANSAS,            )  
                                  ) ss:  
COUNTY OF JOHNSON        )

Delivery and acceptance is hereby acknowledged by The Kansas State Telephone Company, Inc., of Ordinance No. 86-11 granting unto said Company, its successors and assigns, a franchise, the right and privilege to use the streets, alleys and public grounds of the City of Galena, Kansas, for the purpose of erecting, laying and maintaining conduits for telephone lines together with the necessary poles, wires, and other apparatus, equipment and appliances therefore and to string wire above ground or carry the same thereunder, and to do all things necessary and proper for the purpose of operating and maintaining a telephone system within the limits of the City of Galena, Kansas. And the terms and conditions of said ordinance and franchise are duly accepted hereby, with exception that the 4% tax will apply only to local access service.

IN WITNESS WHEREOF, we have hereunto set our hands this 16th day of February, 1987.

THE KANSAS STATE TELEPHONE COMPANY, INC.

By *R. H. Dircks*  
R. H. Dircks, Vice President

Attest:

*Mary B. Peters*  
Mary B. Peters, Asst. Secretary

STATE OF KANSAS,            )  
                                  ) ss:  
COUNTY OF JOHNSON        )

BE IT REMEMBERED, That on this 16th day of February, 1987, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came R. H. Dircks, Vice President, of said corporation, who is personally known to me to be such officer, and who is personally known to me to be the same person who executed, as such officer the within instrument of writing on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

*James F. Price*  
Notary Public  
James F. Price

My Commission expires:  
August 9, 1987

