

AN ORDINANCE GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE, AND IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO:

BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA:

Section I. That there is hereby granted to Florida Power & Light Company (herein called the "Grantee"), its successors and assigns, the non-exclusive right, privilege or franchise to construct, maintain and operate in, under, upon, over and across the present and future streets, alleys, bridges, easements and other public places of the Town of Sewall's Point, Florida, (herein called the "Grantor") and its successors, in accordance with established practice with respect to electrical construction and maintenance, for the period of thirty years from the date of acceptance hereof, electric light and power facilities (including conduits, poles, wires and transmission lines, and, for its own use, telephone and telegraph lines) for the purpose of supplying electricity to Grantor, and its successors, the inhabitants thereof, and persons and corporations beyond the limits thereof.

Section II. That Grantor hereby reserves the right at and after the expiration of this grant to purchase the property of Grantee used under this grant, as provided by the Laws of Florida, in effect at the time of Grantee's acceptance hereof, including Section 167.22 of the Florida Statutes of 1955, and as a condition precedent to the taking effect of this grant, Grantee shall give and grant to the Grantor the right to purchase so reserved. Grantee shall be deemed to have given and granted such right of purchase by its acceptance hereof, which shall be filed with the Grantor's clerk within thirty (30) days after this ordinance takes effect.

Section III. That the facilities shall be so located or relocated and so erected as to interfere as little as possible with traffic over said streets, alleys, bridges and public places, and with reasonable egress from and ingress to abutting property. The location or relocation of all facilities shall be made under the supervision and with the approval of such representatives as the governing body of Grantor may designate for the purpose, but not so as unreasonably to interfere with the proper operation of Grantee's facilities and service. That when any portion of a street is excavated by Grantee in the location or relocation of any of its facilities, the portion of the street so excavated shall, within a reasonable time and as early as practicable after such excavation, be replaced by the Grantee at its expense and in as good condition as it was at the time of such excavation.

Section IV. That Grantor shall in no way be liable or responsible for any accident or damage that may occur in the construction, operation or maintenance by Grantee of its facilities hereunder, and the acceptance of this ordinance shall be deemed an agreement on the part of Grantee, to indemnify Grantor and hold it harmless against any and all liability, loss, cost, damage or expense, which may accrue to Grantor by reason of the neglect, default, or misconduct of Grantee in the construction, operation or maintenance of its facilities hereunder.

Section V. That all rates and rules and regulations established by Grantee from time to time shall at all times be reasonable and Grantee's rates for electricity shall at all times be subject to such regulation as may be provided by law.

Section VI. That within thirty days after the first anniversary date of this grant and within thirty days after each succeeding anniversary date of this grant, the Grantee, its successors and assigns, shall pay to the Grantor and its successors an amount which added to the amount of all taxes, licenses, and other impositions levied or imposed by the Grantor upon the Grantee's ^{electric} property, business, or operations, and those of Grantee's ^{electric} subsidiaries for the preceding tax year, will equal 6% of Grantee's revenues from the sale of electrical energy to residential and commercial customers within the corporate limits of the Grantor for the twelve fiscal months preceding the applicable anniversary date.

Section VII. As a further consideration of this franchise, said Grantor agrees not to engage in the business of distributing and selling electricity during the life of this franchise or any extension thereof in competition with the Grantee, its successors and assigns.

Section VIII. That failure on the part of Grantee to comply in any substantial respect with any of the provisions of this ordinance, shall be grounds for a forfeiture of this grant, but no such forfeiture shall take effect if the reasonableness or propriety thereof is protested by Grantee until a court of competent jurisdiction (with right of appeal in either party) shall have found that Grantee has failed to comply in a substantial respect with any of the provisions of this franchise, and the Grantee shall have six (6) months after the final determination of the question, to make good the default before a forfeiture shall result with the right in Grantor at its discretion to grant such additional time to Grantee for compliance as necessities in the case require.

Section IX. This ordinance shall take effect when it shall have been posted at the front door of the Town Hall for a continuous period of thirty (30) days after its passage and adoption in accordance with provisions of the Charter of the Town of Sewall's Point.

Section X. That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

PASSED on first reading in full on the 12th day of February, 1958.

on second reading in full

PASSED AND ADOPTED/this 12th day of March, 1958.

Attest:

Jean Wickling
Town Clerk

Signed: [Signature]
Title: Mayor

The foregoing Ordinance approved on the

12th day of March, 1958.

[Signature]
Mayor

[Signature]
[Signature]
[Signature]

Title: Members of Town Commission

STATE OF FLORIDA)
COUNTY OF MARTIN) ss.

I, Jean Niebling, Town Clerk of the Town of Sewall's Point, Florida, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 11, entitled "AN ORDINANCE GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE, AND IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO", passed and adopted on second reading in full by the Town Commission of the Town of Sewall's Point, Florida, at a regular meeting thereof held on the 12 day of March, 1958.

AND I FURTHER CERTIFY that said Ordinance No. 11 has been recorded in a permanent book of ordinances of the Town of Sewall's Point, Florida, which is in my custody and control as Town Clerk.

WITNESS my hand and the official seal of said Town of Sewall's Point, Florida, this 12 day of March, 1958.

Jean Niebling
Town Clerk

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(EXCERPTS FROM)
MINUTES OF THE REGULAR MEETING OF THE
TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT,
FLORIDA

On the 12th day of March, 1958, the Town Commission of the Town of Sewall's Point, Florida, met at its regular place of meeting in said Town in regular session. The meeting was called to order at 2:00 o'clock P.M. by the Mayor, and on roll call the following members of the Town Commission were found to be present: Messrs. Dr. Killhuffer, Mr. Arbogast, Mr. Sales, Mr. Dyer, Mr. Henriksen
Absent: _____ . Also present were: _____
H. Oughestson .

* * * * *

On motion of Mr. S. N. Sales, seconded by Mr. C. E. Henriksen and carried, a proposed ordinance entitled "AN ORDINANCE GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE, AND IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO", which had been passed on first reading in full at the regular meeting of the Town Commission on February 12th, 1958, was read in full by the Town Clerk who stated that, in accordance with instructions given to him at said regular meeting on February 12th, 1958, he had posted said proposed ordinance, entitled "A Proposed Ordinance of the Town of Sewall's Point Granting a Public Franchise", publicly in full at the Town Hall on the 5th day of March, 1958, and that the same had remained so posted continuously for at least five (5) days. Thereafter there was a full discussion of the provisions of said proposed ordinance. On motion of Mr. Henriksen, seconded by Mr. Dyer, the proposed ordinance was thereupon, without amendment of any kind being made therein, passed and adopted on second reading in full by the following vote - YEAS: Messrs. Killhuffer, Arbogast, Henriksen, Sales + Dyer. NAYS: _____ . Said ordinance was designated Ordinance No. 11 and was thereupon signed by the following members of the Town Commission: Messrs. E. T. Killhuffer, C. E. Henriksen, S. N. Sales, C. B. Arbogast, G. L. Dyer

The Town Clerk was instructed to record said Ordinance No. 11
in the book kept for that purpose and to cause said ordinance to
be posted continuously for and during a period of not less than
thirty (30) days at the front door of the Town Hall.

* * * * *

There being no further business to come before the Town Commis-
sion, on motion duly made and seconded, the meeting was adjourned at
4:15 P.M.

ACCEPTANCE OF TOWN OF SEWALL'S POINT
ELECTRIC FRANCHISE ORDINANCE NO. 11

April 25, 1958

Town of Sewall's Point
Sewall's Point, Florida

Florida Power & Light Company does hereby accept
Ordinance No. 11, it being:

"AN ORDINANCE GRANTING TO FLORIDA POWER &
LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS,
AN ELECTRIC FRANCHISE, AND IMPOSING PRO-
VISIONS AND CONDITIONS RELATING THERETO".

This instrument is filed with the Town Clerk of
the Town of Sewall's Point, Florida, in accordance with
the provisions of Section II of said Ordinance.

FLORIDA POWER & LIGHT COMPANY *AK*

By *Ben H. Fuqua*
Ben H. Fuqua, Vice President

ATTEST:

W. F. Blaylock
W. F. Blaylock, Secretary

I hereby acknowledge receipt of the above Acceptance
by Florida Power & Light Company of Ordinance No. 11, it being:

"AN ORDINANCE GRANTING TO FLORIDA POWER &
LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS,
AN ELECTRIC FRANCHISE, AND IMPOSING PRO-
VISIONS AND CONDITIONS RELATING THERETO",

and certify that I have filed the same for record in the perma-
nent files and records of the Town of Sewall's Point, Florida,
this 29 day of April, 1958.

Jean Niebling
Town Clerk

STATE OF FLORIDA)
) ss.
COUNTY OF MARTIN)

I, Jean Niebling, Town Clerk of the Town of Sewall's Point, Florida, DO HEREBY CERTIFY that the foregoing contains true and correct excerpts from the official minutes of a regular meeting of the Town Commission of the Town of Sewall's Point, Florida, held on the 12th day of March, 1958, with respect to the passage and adoption on second reading in full of a proposed ordinance entitled "AN ORDINANCE GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE, AND IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO" and all matters pertaining thereto.

WITNESS my hand and the official seal of said Town of Sewall's Point, Florida, this 12th day of March, 1958.

Jean Niebling
Town Clerk

(EXCERPTS FROM)
MINUTES OF THE REGULAR MEETING OF THE
TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT,
FLORIDA

On the 12th day of February, 1958, the Town Commission of the Town of Sewall's Point, Florida, met at its regular place of meeting in said Town in regular session.

The meeting was called to order at 2.00 o'clock P.M. by

the Mayor, and on roll call the following members of the Town Commission were found to be present: Messrs.

Killbuckler, Arbogast, Sales, Dyer, Henriksen.

Absent: _____ . Also present were:

94 Oughterson .

* * * * *

On motion of Mr. _____, seconded by Mr. _____,

and carried, a proposed ordinance, entitled "AN ORDINANCE GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE, AND IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO" was read in full by the Town

Clerk. Thereafter there was a full discussion of the provisions of said proposed ordinance. On motion of Mr. D. W. Sales

seconded by Mr. C. E. Henriksen the proposed ordinance was thereupon passed on first reading by the following vote - YEAS:

Messrs. Arbogast, Killbuckler, Dyer .

NAYS: _____ .

The Town Clerk was thereupon instructed to post said proposed ordinance, entitled "A Proposed Ordinance of the Town of Sewall's Point Granting a Public Franchise", publicly in full at the Town Hall for at least five (5) days before the Commission shall take further action thereon.

* * * * *

There being no further business to come before the Town Commission, on motion duly made and seconded, the meeting was adjourned at 4:30 P.M.

STATE OF FLORIDA)
) ss.
COUNTY OF MARTIN)

I, Gene Manning, Town Clerk of the Town of Sewall's Point, Florida, DO HEREBY CERTIFY that the foregoing contains true and correct excerpts from the official minutes of a regular meeting of the Town Commission of the Town of Sewall's Point, Florida, held on the 12th day of March, 1958, with respect to the passage on first reading in full of a proposed ordinance entitled "AN ORDINANCE GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE, AND IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO" and all matters pertaining thereto.

WITNESS my hand and the official seal of said Town of Sewall's Point, Florida, this 12th day of March, 1958.

Gene Manning
Town Clerk

STATE OF FLORIDA)
) ss.
COUNTY OF MARTIN)

I, Jean Wickling, Town Clerk of the
Town of Sewall's Point, Florida, DO HEREBY CERTIFY that:

- (a) No newspaper is published within said
Town of Sewall's Point;
- (b) After the proposed ordinance, which became
and is now Ordinance No. 11, was
passed on first reading, I posted said
proposed ordinance publicly in full at the
Town Hall for five (5) days, entitled "A
Proposed Ordinance of the Town of Sewall's
Point Granting a Public Franchise", before
the Town Commission took further action
thereon;
- (c) After the adoption of said Ordinance No.
11 by the Town Commission on
March 12th, 1958, I posted a true
and correct copy of said ordinance at the
front door of the Town Hall and the same
remained posted thereat continuously for
and during a period of thirty (30) days.

WITNESS my hand and the official seal of said Town of
Sewall's Point, Florida, this 14th day of April,
1958.

Jean Wickling
Town Clerk