

ORDINANCE NO. 16

AN ORDINANCE AUTHORIZING THE SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY TO USE THE PUBLIC STREETS OF THE TOWN OF SEWALL'S POINT, FLORIDA, FOR THE PURPOSE OF ERECTING, CONSTRUCTING, MAINTAINING AND OPERATING LINES OF TELEPHONE AND TELEGRAPH THEREON AND THEREUNDER.

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

SECTION 1. That permission be and the same is hereby granted to the Southern Bell 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 Town of Sewall's Point, Florida, as its business may from time to time require, provided that all poles shall be neat and symmetrical.

SECTION 2. The work of erecting poles and constructing underground conduits under this ordinance shall be done subject to the supervision of the Town, 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 Town to the Company, the Town 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. In consideration of the rights and privileges herein granted, the Company, when requested by the Town, will designate and provide without cost to the Town (1) on each pole owned and used by the Company hereunder and during its ownership and use thereof, either (a) space for a fixture for, or (b) space for a crossarm for, wires of the police and fire alarm signalling system of the Town, and (2) in each underground conduit owned and used by the Company hereunder and during its ownership and use thereof, one duct for the cables of the police and fire alarm signalling system of the Town; provided, however, that no use shall be made by the Town of said space on such poles or of said duct which will result in interfering with or impairing the operation or use of the Company's property or service, or which will endanger, damage or injure the person or property of the public or employees of the Company or Town.

SECTION 4. The Company shall pay to the Town annually a sum equal to one per cent (1%) of the gross receipts of the Company from rentals derived from telephones in use within the corporate limits of the Town. Payment to the Town for each of the years that this ordinance is in effect shall be made on or before the first day of March of that year, based on the receipts of the preceding fiscal year of the Company, the first of such annual payments to be made on or before March 1, 1959, based on the receipts for the preceding fiscal year of the company.

SECTION 5. The Company shall indemnify the Town against, and assume all liabilities for, damage which may arise or accrue to the Town 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 Town, and the acceptance by the Company of this ordinance

shall be an agreement by it to pay to the Town any sum of money for which the Town may become liable from or by reason of such injury.

SECTION 6. The Company shall file with the Town Clerk of the Town its acceptance of this ordinance within sixty days from the date when it shall take effect.

SECTION 7. Nothing in this ordinance shall be construed as a surrender by the Town of its right or power to pass ordinances regulating the use of its streets.

SECTION 8. This ordinance shall be in force and effect for a term of thirty (30) years from and after its passage, and the Town hereby reserves the right and requires the said Company, as a condition precedent to the taking effect of this grant, to give and grant to the Town of Sewall's Point, Florida, the right, at and after the expiration of such term, to purchase the telephone and telegraph plant or other property in said Town used under or in connection with this grant, or such part of such property as the municipality may desire to purchase at a valuation of the property, real and personal, desired, which valuation shall be fixed by arbitration, as may be provided by law; and the acceptance of this ordinance shall operate as a grant by the said Company to the Town of said right to purchase.

PASSED at first reading at meeting of Town Commission held the 8 day of October, 1958.

PASSED second reading and adopted this 12 day of November 1958.

Attest:

Jean Nickling
As Town Clerk

Approved as to correctness and form this 8 day of October, 1958.

J. J. Ouyterman
As Town Attorney

W. H. Hinkley
As Mayor-Commissioner

J. H. Sales
As Commissioner

W. A. Kuehler
As Commissioner

Gene T. Dyel
As Commissioner

O. L. Lanning
As Commissioner

I, JEAN NIEBLING, Town Clerk of the Town of Sewall's Point, Florida, do hereby certify that the above is a true and correct copy of an ordinance introduced, read in full and passed on the 8 day of October, 1958, at a meeting of the Town Commission; said ordinance was then posted for a period of five (5) days on the door of the Town Hall, there being no newspaper published in the Town; said ordinance was then read in full and finally passed by a majority vote of the Town Commission on the 12 day of November, 1958, at a regular meeting of the Town Commission.

I further certify that said ordinance was, after its final passage, posted at the door of Town Hall for a period of two weeks and recorded in Ordinance Book 1 at page 16.

Jean Niebling
Town Clerk

(TOWN SEAL)



SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY

HURT BUILDING ATLANTA, GEORGIA

MURRAY 5-8600

J. G. BRADBURY
EXECUTIVE VICE PRESIDENT

TO THE TOWN CLERK OF THE
TOWN OF SEWALL'S POINT, FLORIDA:

Pursuant to Section 6 of Ordinance No. 16 adopted
by the Town Commission of the Town of Sewall's Point,
Florida, on the 12th day of November, 1958, entitled:

"AN ORDINANCE AUTHORIZING THE SOUTHERN BELL
TELEPHONE AND TELEGRAPH COMPANY TO USE THE
PUBLIC STREETS OF THE TOWN OF SEWALL'S POINT,
FLORIDA, FOR THE PURPOSE OF ERECTING, CON-
STRUCTING, MAINTAINING AND OPERATING LINES
OF TELEPHONE AND TELEGRAPH THEREON AND THERE-
UNDER.";

the Southern Bell Telephone and Telegraph Company hereby
files with the said Town of Sewall's Point, Florida, its
acceptance of said ordinance.

EXECUTED this the 31st day of December, 1958.

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY


Vice President