ORDINANCE NO. 5

 ***AN ORDINANCE GRANTING TO THE ARKANSAS POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO ERECT, MAINTAIN, EXTEND AND OPERATE A SYSTEM FOR THE DISTRIBUTION OF ELECTRIC ENERGY TO THE TOWN OF CHERRY VALLEY, ARKANSAS, AND THE INHABITANTS THEREOF.***

 ***Be it ordained by the Town Council of the incorporated Town of Cherry Valley, Arkansas as follows:***

***SECTION 1:***

 ***That the Arkansas Power & Light Company, (hereinafter termed the “GRANTEE”) its successors and assigns, shall have the exclusive right, privilege, and authority in the present and future corporate limits in the Town of Cherry Valley, Arkansas, (hereinafter termed the (“GRANTOR”) and the additions thereto of erecting, maintaining, extending and operating over, under, upon and across the streets and alleys of the Town of Cherry Valley and electric distribution system for the purpose of conveying, selling and distributing electric energy to the GRANTOR and the inhabitants of the Town of Cherry Valley for light, heat, power and other purposes for which electricity may now or during the life of this franchise be used and the GRANTEE for such purpose may enter upon any and all of the streets, alleys, avenues, bridges and public ground belonging to or under control of said town for the purpose of erecting its poles, wires, stubs, anchors, and all other apparatus, and appliances and the stretching of its wires and laying conduits.***

***SECTION 2:***

 ***All poles, wires, stubs, anchors, and all other apparatus and appliances shall be located as directed by the Town Council or its authorized representative and shall be placed in alleys as far as practicable, and the GRANTEE, its successors and assigns, shall replace and repair at its own expense, all streets, alleys, avenues, bridges and public ground which it may enter upon for the purpose herein contemplated, and shall restore such places to as good a condition, as they were in originally.***

***SECTION 3:***

The right and privilege hereby granted shall exist and continue from passage and publication of this ordinance, until terminated in accordance with provisions of section Forty-four (44) of act 324 of the 1935 acts of the state of Arkansas.

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***SECTION 4:***

***The rates which are to be charged for electric energy hereunder shall be fair and reasonable and during the life of this franchise the Town of Cherry Valley shall have the same rates as are applied to other towns of similar size and nature served from transmission system of grantee.***

***SECTION 5:***

 In the construction, repairing and operating of said electric distribution system, said grantee, its successors and assigns, shall use every reasonable and proper precaution to avoid damage or injury to persons or property, and shall hold and save harmless the said Town from damage, injury, loss or expense caused by the negligence of the GRANTEE, its successors or assigns, or their agents, servants, or employees, in constructing, repairing and operating said system or in repaving or repairing any streets, avenues, alleys, bridges, or other public grounds.

SECTION 6:

 The GRANTEE, its successors and assigns shall at all times keep its poles, wires, conduits, stubs, anchors and all other apparatus and appliances in a good state of repair, and shall conform to such practices and install such safety appliances and equipment as may be in keeping with the best usage and practice in cities of similar size in this state during the life of this franchise.

SECTION 7:

 This ordinance shall be in full force and effect from and after its publication and all ordinances in conflict with same are hereby repealed, provided that the terms of this ordinance shall be accepted by the GRANTEE with in thirty days after its passage and publication.

 Passed, this \_\_\_\_\_day of \_\_\_\_\_, 1947, by following roll call.

Alderman voting aye:

Alderman voting nay:

Attest: