THIS ORDINANCE was filed with the State Corporation Commission on the 7th day of June, 19 85.

ORDINANCE NO. 191

AN ORDINANCE, granting to The Kansas Power and Light Company, a Kansas corporation, its successors and assigns, an electric franchise, prescribing the terms thereof and relating thereto, and repealing all ordinances or parts of ordinances inconsistent with or in conflict with the terms hereof.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS:

SECTION 1. That in consideration of the benefits to be derived by the City of BASEHOR, Kansas, and its inhabitants, there is hereby granted The Kansas Power and Light Company, a Kansas corporation, hereinafter sometimes designated as "Company", said Company being a corporation operating a system for the transmission of electric current between two or more incorporated cities in the State of Kansas, into and through which it has built transmission lines, the right, privilege, and authority for a period of twenty (20) years from the 1st day of October, 19 85, to occupy and use the several streets, avenues, alleys, bridges, parks, parkings and public places of said City, for the placing and maintaining of equipment and property necessary to carry on the business of selling and distributing electricity for all purposes to the City of BASEHOR, Kansas, and its inhabitants, and through said City and beyond the limits thereof; to obtain said electricity from any source available; and to do all things necessary or proper to carry on said business in the City of BASEHOR, Kansas.

SECTION 2. As further consideration for the granting of this franchise, and in lieu of any city occupation, license or revenue taxes, the Company shall pay to the City during the term of this franchise three percent (3%) of its gross revenue from all sales of electric energy within the corporate limits of said City, such payment to be made monthly for the preceding monthly period.

SECTION 3. That the Company, its successors and assigns, in the construction, maintenance, and operation of its electric transmission, distribution and street lighting system, shall use all reasonable and proper precaution to avoid damage or injury to persons or property, and shall hold and save harmless the City of BASEHOR, Kansas, from any and all damage, injury and expense caused by the sole negligence of said Company, its successors and assigns, or its or their agents or servants.

SECTION 4. That within sixty (60) days from and after the passage and approval of this ordinance, said Company shall file with the City Clerk of said City of BASEHOR, Kansas, its unconditioned written acceptance of this ordinance.

SECTION 5. That any and all ordinances in conflict with the terms hereof are hereby repealed.

SECTION 6. That this ordinance shall become effective and be in force and shall be and become a binding contract between the parties hereto, their successors and assigns, from and after its passage, approval, publication as required by law, and acceptance by Company.

SECTION 7. That this ordinance, when accepted as above provided, shall constitute the entire agreement between the City and the Company relating to this franchise and the same shall supercede and cancel any prior understandings, agreements or representations regarding the subject matter hereof, or involved in negotiations pertaining thereto, whether oral or written.

SECTION 8. This franchise is granted pursuant to the provisions of K.S.A. 12-824.

SECTION 9. Should the State Corporation Commission take any action with respect to this franchise ordinance, which would or may preclude The Kansas Power and Light Company from recovering from its customers any cost provided for hereunder, the parties hereto shall renegotiate this ordinance in accordance with the Corporation Commission's ruling.

PASSED and APPROVED this 4 day of June, 1985.

Anna M. Landauer
Mayor

Attest:

[illegible] Moagle
City Clerk