

ORDINANCE No. 453

AN ORDINANCE granting to S. C. Bybee of Garnett, Kansas, his successors and assigns, the right of way and the right to construct, operate and maintain telephone lines and appurtenances in the city of Garnett, Anderson County, Kansas.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEN of the City of Garnett, Kansas:

SECTION ONE.

That S. C. Bybee, his successors and assigns, hereinafter designated as the grantees, be and they are hereby granted the right of way and the right to erect, operate and maintain telephone lines and a telephone system, including the necessary poles, fixtures and electric conductors, upon, under, over and across all of the public roads, streets, avenues, alleys, bridges and viaducts in the City of Garnett, Kansas, as the business of said grantees may from time to time require.

SECTION TWO.

Said poles and wires shall be so placed as to least interfere with the public use of said streets, avenues and alleys and the wires erected on said poles shall, in all cases, be at least twenty feet above the ground; whenever said poles shall be set in an alley, they shall be located as near the sides of the alley as practicable and whenever erected in the streets, they shall, when practicable, be placed on the outside edge of the sidewalk or just inside of the curb and when practicable on the line dividing lots one from the other, and shall in no case be so placed as to obstruct the drainage of the streets or interfere with any sewer. *Provided always that the location and relocation of poles and wires shall be subject to the approval and order of the Committee on street and alleys.*

SECTION THREE.

1 It is agreed on the part of the grantees that in  
2 *Consideration of the rights and privileges herein granted*  
3 ~~lieu of any special license, occupancy tax, or special~~  
4 ~~assessment of any sort that may be levied on said grantees~~  
5 ~~by said city,~~ that said city of Garnett, Kansas, shall have  
6 the right to place its fire alarm and police wires upon the  
7 top crossarm of any of said grantee's poles within the fire  
8 limits of said city, provided that same shall be done under  
9 the supervision of said grantees and shall be maintained  
10 and operated by said City of Garnett in such manner as not  
11 to interfere with or impair the proper operation of the  
wires of said grantees; and said grantees shall furnish,  
to said city free of charge, ~~not exceeding four~~ <sup>six</sup> telephones  
to be placed at such locations in the city of Garnett, Kan-  
sas as shall be designated by the Mayor of said city and  
said grantees shall furnish telephone service thereon for  
the purpose of communications in respect to the official  
business of said city and said service so furnished shall  
be as good as the best service furnished to any of the  
patrons of the said grantees. The said grantees shall fur-  
ther, if so ordered by the Mayor of said city, furnish  
free of charge two additional telephones to be placed in  
the railway passenger stations in the City of Garnett, Kan-  
sas, and shall furnish service thereon as good as the best  
service furnished to any of the patrons of the said grantees.

SECTION FOUR.

The grantees shall temporarily remove any of  
their wires, after having been given twenty-four hours  
written notice, upon request of the City Marshall, when-  
ever necessary to permit the moving of houses along the  
streets, all at the expense of the mover of any such  
house.

SECTION FIVE.

The grantees shall not at any time charge the

citizens of Garnett a greater rental for the telephone service furnished under the terms of this ordinance, than the average rate charged in neighboring towns for like service.

SECTION SIX.

The City of Garnett, Kansas, shall pass all ordinances necessary to protect the property of the grantees from wilful, malicious or negligent injury or damage and the said grantees shall hold the city of Garnett free and harmless from all damages arising by reason of any abuse or negligence on their part in said occupancy for the payment of which the said city may become liable to any person or persons or corporation, by reason of the construction or operation of said telephone lines or by reason of the said grantees failing to perform or comply with any other of the provisions or requirements of this ordinance.

SECTION SEVEN.

Said grantees shall begin the construction of said telephone lines and system on or before the expiration of six months from the date of passage of this ordinance and said telephone system shall be in operation on or before the expiration of one year from the date of the passage of this ordinance.

SECTION EIGHT.

The said grantees shall file acceptance of this ordinance with the Clerk of said City within thirty days from the date of its passage, otherwise said ordinance shall become null and void.

SECTION NINE.

This ordinance shall be and remain in force and the rights and privileges hereby granted shall be for a term of twenty (20) years from and after the ~~acceptance~~ <sup>passage</sup> of this ordinance.

SECTION TEN.

This ordinance shall take effect and be in force from and after its passage and approval and its acceptance by the grantees and its publication according to law; the said grantees to bear the expense of such publication.

Passed on the 15<sup>th</sup> day of September A.D. 1909

Approved on the 28 day of September A.D. 1909



Attest L. P. Pilkington  
City Clerk.

E. N. McDowell Pres of the  
Council & Acting Mayor

*[Faint handwritten notes and signatures in the bottom right corner, including a vertical list of names and a signature.]*