

## ORDINANCE NO. 37

AN ORDINANCE PROVIDING FOR THE SALE BY THE CITY OF HUNTER, MITCHELL COUNTY, KANSAS, AND THE PURCHASE BY THE KANSAS POWER COMPANY, A KANSAS CORPORATION, OF A SYSTEM IN SAID CITY FOR THE DISTRIBUTION OF ELECTRIC ENERGY, A HIGH VOLTAGE TRANSMISSION LINE, AND OTHER ELECTRICAL PROPERTY; AND PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH SALE.

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

SECTION 1. That the Mayor and City Clerk be and they are hereby authorized, directed and empowered to execute on behalf of said City, a contract with said The Kansas Power Company for the sale by the City and the purchase by the Company of the electric system owned by the City and used for the local distribution of electric energy, for public and private use, for street lighting and for water pumping, a high voltage transmission line, and all other electrical property and equipment belonging to the City, more specifically described in the contract so directed to be executed, which contract is as follows:

### AGREEMENT

THIS AGREEMENT, Made and entered into this 31st day of December 1928, by and between The Kansas Power Company (hereinafter called the "Company"), Party of the First Part, and the City of Hunter, Mitchell County, Kansas, a city of the third class (hereinafter called the "City"), Party of the Second Part; WITNESSETH.

### ARTICLE I

The City represents:

1. That is the exclusive owner, free and clear of encumbrance, of the following described property, to wit:

A system located in said City for the distribution of electric energy, consisting of poles, wires, cross-arms, cables, conduits, distribution transformers, lightning arresters, switchboards, meters and other electrical property, including an ordinary street lighting system; also the stock of merchandise and supplies owned by said City for use in connection with the maintenance and repair of said distribution system, together with all tools used in connection with the maintenance and repair of said property, meter reading records and correct customers' lists; and all other property used and or useful in distributing and supplying in and to said City and its inhabitants electric energy for public and private use, for street lighting, and for supplying electric energy for municipal water pumping purposes.

A certain High Voltage transmission line commencing at or near Hunter, Kansas, thence

north approximately seven (7) miles, thence west two (2) miles, then one-half interest in the line approximately two miles (2) east of Tipton, except through the City of Tipton, then one-half interest in approximately twelve (12) miles north of Tipton, to where it intersects the Downs-Cawker City line.

All other electrical property, including leases of real estate, rights of way, easements, whether specifically described herein or not, which is used by it in any manner in supplying said City and its inhabitants with electric energy, for public and private use.

2. That all of the above described property has been fully paid for, and that there are not outstanding any unpaid bills for labor or material in constructing, installing, repairing or rebuilding any of said property for which a materialman's or mechanic's lien might be claimed against said property. That there are no suits pending to which the City is a party in which the property above described and mentioned is affected, or by which it may become subjected to liens of any character.

## ARTICLE II

In consideration of the sum of Five Thousand Five-Hundred and no-100 Dollars, to be paid by the Company to the City, the City agrees to sell to the Company all of the property hereinbefore described specifically or inclusively. The consideration above mentioned shall be paid or caused to be paid by the Company to the City in cash whenever the City shall:

1. Legally pass, adopt and make effective by publication an ordinance approving this contract.
2. Cause to be duly executed the agreement provided for herein.
3. Legally pass, adopt and make effective by publication an ordinance granting to the Company, its successors and assigns, a franchise for a period of twenty (20) year, and when such contract and franchise shall have been approved by the Public Service Commission of the State of Kansas.
4. Upon the payment to the City of said consideration, the City will, through its Mayor and City Clerk, being hereby so expressly authorized to do, make, execute and deliver to the Company, its successors, nominee or nominees, all deed of conveyance, bills of sale, assignments and other written instruments of transfer as may in the judgment of counsel for the Company be necessary to transfer full, legal and equitable title to all of said property to the Company, its assigns, nominee or nominees, free and clear of encumbrance.

The franchise referred to shall constitute a contract between the City and the Company, its assigns, nominee or nominees, for street lighting and water pumping during the life of such franchise.

It is further agreed that this contract shall insure to the successors and assigns of each of the parties hereto, and shall not become effective until its approval by the Public Service Commission of the State of Kansas, to the extent that such approval is by law required.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in triplicate on the day and year first above written, the Company by its President, attested by its Assistant Secretary, with its corporate seal affixed, and the City by its Mayor, attested by its City Clerk, with the seal of the City affixed.

THE KANSAS POWER COMPANY

By (President)

Party of the First Part.

THE CITY OF HUNTER, KANSAS

By (Mayor)

Party of the Second Part

ATTEST

By (Assistant Secretary)

ATTEST

By (City Clerk)

SECTION 2. This ordinance shall be subject to the approval of the Public Service Commission of the State of Kansas, to the extent that such approval may be by law required.

SECTION 3. This ordinance shall be in full force and effect from and after its publication in the Hunter Herald, the official City Paper of said City, as provided by law.

Passed and approved this 31st day of December, 1928.

APPROVED: E. E. Bilger,

Mayor of the City of Hunter, Mitchell County, Kansas

ATTEST: E. C. Lemon,

City Clerk

