

ORDINANCE NO. 51A

AN ORDINANCE PROVIDING FOR PUBLIC ELECTRIC LIGHTS ON THE STREETS OF THE CITY OF WESTWOOD HILLS, KANSAS, AND CONTRACTING WITH KANSAS CITY POWER & LIGHT COMPANY, ITS SUCCESSORS, ASSIGNS AND GRANTEES TO FURNISH PUBLIC ELECTRIC LIGHTS FOR THE CITY OF WESTWOOD HILLS, KANSAS, FOR A TERM OF TEN (10) YEARS AND REPEALING ORDINANCE NO. 21 OF THE CITY OF WESTWOOD HILLS, KANSAS.

WHEREAS, Kansas City Power & Light Company is a corporation duly created, organized and existing by virtue of the laws of the State of Missouri, and admitted to do business under the laws of the State of Kansas as a foreign corporation for the purpose of generating and distributing electric energy; and

WHEREAS, great benefit will accrue to the inhabitants of said City through the maintenance and operation therein of an electric street lighting system:

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD HILLS, KANSAS:

SECTION 1. In order to promote the welfare, comfort and convenience of said City, its inhabitants and the public generally, and in consideration of the benefits to be derived by said City and the inhabitants thereof through the maintenance and operation of an electric street lighting system, there is hereby granted to Kansas City Power & Light Company for a term of ten (10) years from the date hereof, the right, authority and power to maintain in the City of Westwood Hills, Kansas, incandescent electric street lamps as described below:

- 3 400 c.p. street lamps on steel poles and supplied by overhead wire
- 1 400 c.p. street lamp on a steel pole and supplied by underground cable with spacing 200-300 feet
- 11 400 c.p. street lamps on steel poles and supplied by underground cable with spacing 500-600 feet

Such lamps shall be in the locations shown upon the blueprint attached to and made a part of this ordinance, and further identified by the signature of the Mayor of the City.

The City agrees to pay Kansas City Power & Light Company on account of the construction, maintenance and operation of the incandescent street lamps provided for by this ordinance, the following rates per lamp per year:

- 400 c.p. street lamps on steel poles and supplied by overhead wire-\$48.00
- 400 c.p. street lamp on a steel pole and supplied by underground cable with spacing 200-300 feet - \$72.00
- 400 c.p. street lamps on steel poles and supplied by underground cable with spacing 500-600 feet - \$105.84

Such amounts shall be paid to Kansas City Power & Light Company in equal monthly installments on or before the 10th day following the regular billing date for the month in which the service is rendered. In the event of the failure of the City to make such monthly payments within the period prescribed, the said monthly payments shall bear interest at the rate of 6 per cent per annum from the date such payment shall have been in default; provided, however, that the Company may, at its option, discontinue the furnishing of service under this contract in case the City is in default in said monthly payments for a period of three months or more, until such time as the delinquent payments, together with the interest thereon, are paid to the Company.

SECTION 2. In consideration of said street lighting service and the maintenance thereof, the City agrees that it will each year during the period of this contract make a sufficient tax levy for street lighting purposes, and within the maximum levies permitted by the laws of the State of Kansas.

SECTION 3. Kansas City Power & Light Company shall at all times protect and save harmless the City of Westwood Hill, Kansas, from all damages or loss to person or property for, or arising out of, or by reason of its negligence in the construction, maintenance, and/or operation of the said street lamps and/or equipment hereby authorized.

SECTION 4. The Company shall not be required to relocate any street lamp after such lamp has once been installed at a location designated by the City unless the City agrees in writing to pay to the Company the actual cost of such relocation.

SECTION 5. The street lamps set forth in Section 1, hereof, shall constitute the standard street lamps under this contract. However, it is now anticipated by the City of Westwood Hills, Kansas, that it may desire to add additional street lamps of a size, or mounting arrangement, not included in Section 1 hereof, or it may desire to add additional street lamps supported by steel poles and supplied by underground cable with lamp spacing different from those included in Section 1 hereof, and it is agreed by the said City and Kansas City Power & Light Company that if street lamps as have been described in this Section 5 should be desired by the City the same shall be installed and be supplied upon and for the following rates:

**STREET LAMPS SUPPORTED BY WOOD POLES AND SUPPLIED BY OVERHEAD WIRE**

<u>Size of Lamp</u>	<u>Rate Per Lamp Per Year</u>
400 c.p.	\$42.00
600 c.p.	50.00

**STREET LAMPS SUPPORTED BY STEEL POLES AND SUPPLIED BY OVERHEAD WIRE**

<u>Size of Lamp</u>	<u>Rate Per Lamp Per Year</u>
400 c.p.	\$48.00
600 c.p.	56.00

**STREET LAMPS SUPPORTED BY STEEL POLES AND SUPPLIED BY UNDERGROUND CABLE**

		<u>Rate Per Lamp Per Year</u>				
		<u>Spacing in Feet</u>				
<u>Size of Lamp</u>	<u>Route for Cable</u>	<u>Under</u>				
		<u>200</u>	<u>200-300</u>	<u>300-400</u>	<u>400-500</u>	<u>500-600</u>
400 c.p.	Under sod	60.72	72.00	83.28	94.56	105.84
400 c.p.	Under sidewalk	69.24	84.12	99.00	114.00	129.00
600 c.p.	Under sod	73.80	85.08	96.24	107.40	118.56
600 c.p.	Under sidewalk	81.48	96.24	111.12	126.00	140.88

Such lamps to be installed and contracted for by resolution of the City and acceptance thereof by Kansas City Power & Light Company in the manner hereinafter set forth in Section 7 of this ordinance, to be effective as a valid contract in the same manner and to the same extent as the contract for the street lights provided for in Section 1 of this ordinance. Any other style or size of street lamp that may be adopted by the City during the continuance of this agreement, different from those specifically provided for in this ordinance, may be included in this contract by ordinance amending the same, after the annual charge to be paid by the City to the Company has been agreed upon in writing. In the event the City desires to install, at its own expense, some special columns or posts in locations where the City deems it wise or necessary, the Company agrees to furnish lighting service on these special columns or posts at an annual charge which shall be agreed upon by the parties in writing and such agreement shall thereupon be incorporated in and made a part of this contract by ordinance amending the same.

SECTION 6. In the furnishing of the service herein provided for, said Kansas City Power & Light Company will not be held responsible for any failure in said service when such failure is due to act of God, floods, strikes, or other occurrence or circumstance beyond its control.

SECTION 7. The Company further agrees that it will, at its own expense, install such additional electric street lights as may be required from time to time by the City when authorized by resolution duly adopted by the City and on written order signed by a legally authorized officer of said City to which there shall be attached a copy of such resolution, on the same conditions and at the same rates as are hereinbefore set out; provided, that the Company shall not be required to build more than 500 feet of new overhead line from its then established street lighting circuit for each additional electric street lamp of 600 c.p. or smaller to be installed and that the Company shall not be required to build

**SECTION 8. Ordinance No. 21 of the City of Westwood Hills, Kansas, is hereby repealed.**

SECTION 10. This ordinance shall take effect and be in force from and after its passage and its publication as provided by law. )

by law. August, 1959  
Hal Sarny  
Mayor

Orla M. Amburg  
City Clerk

Yes Michael Beltzer, Winthrop Williams, William Neff  
Nay 666666666666666666 NONE

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