

## ORDINANCE NO. 95

AN ORDINANCE granting a franchise to the Virginia Public Service Company, a corporation, its successors and/or assigns, authorizing the use and occupancy of the streets, alleys and public grounds of the City of Alexandria for the construction, maintenance and operation therein, thereunder, and therethrough of a system of poles, wires, brackets, insulators and other equipment necessary and/or convenient for the transmission, distribution and sale of electric current in the said City, to the said City and to the residents thereof.

WHEREAS, pursuant to the provisions of an ordinance of the City Council of Alexandria, Virginia adopted and approved on May 22, 1930, and after due advertisement of the same once a week for four successive weeks in the Alexandria Gazette, a newspaper published in the City of Alexandria, Virginia, the following bids in writing were received by the presiding officer of said City Council in open meeting thereof at 3 o'clock P. M., June 26, 1930, for a franchise authorizing the use and occupancy of the street, alleys and public grounds of the City of Alexandria for the construction, maintenance and operation therein, thereunder, thereover and therethrough of a system of poles, wires, brackets, insulators and other equipment necessary and/or convenient for the transmission, distribution and sale of electric current in the said City to the City and other residents thereof, to-wit:

Alexandria, Va., June 26, 1930.

To The Honorable City Council  
Alexandria, Virginia.

Gentlemen:

I herewith submit the following proposition:

(1) That the City Council grant to me, my successors and/or assigns, a 30 year franchise along the lines contained in Ordinance 93 with the exception of Article 9 which is to be changed to read for a period of 30 years from expiration of the present franchise held by the Virginia Public Service Company.

(2) I agree to post a \$50,000 bond within 12 months from date of acceptance of my proposal by you.

(3) I further agree to post a preliminary bond of \$7,000 within 60 days from date of your acceptance of my proposal, as a guarantee to the City against any loss they may sustain in the event the aforesaid mentioned bond of \$50,000 is not delivered to the Clerk of City Council within the above stated time.

(4) I, my successors and/or assigns agree to apply to the State Corporation Commission for approval of a rate at 15 per cent less than the then prevailing rate of the Virginia Public Service Co., which rate having been approved by the said Corporation Commission.

(5) The City is to begin promptly in using every available means to adjust the matters of taxes with the said Virginia Public Service Co., in or out of Court in conformity with the law, and should the City have failed in its attempt to so do, I, my, successors and/or assigns agree to reimburse

the City for any loss they may have sustained during the remaining period of the now existing franchise, such settlement to be made at the time the new franchise becomes operative.

Very truly yours,

(S) R. W. HERFURTH, (Agent).

R. W. HERFURTH, (Agent).

June 25, 1930.

To The Honorable City Council of the City of Alexandria, Virginia.

Gentlemen:

The undersigned Virginia Public Service Company, in response to your published advertisement for bids for a thirty year franchise to be substantially in the words and figures as contained in the said publication, respectfully submits the following bid:

1—We will pay the City Council of Alexandria the sum of \$500.00, which is to include cost of publication.

2—We will surrender to the said City Council all the benefits of the present franchise now held by us as mesne assignee of Edward E. Mandeville, the original grantee of said franchise, said surrender to be effective from the time of the award to and acceptance by us of the proposed franchise.

3—We will enter into a contract to furnish the City of Alexandria with electric energy throughout the term of the proposed franchise, for its municipal purposes, either light, heat or power, at the lowest rates that may from time to time be prescribed for similar service under like conditions to the public, by the duly constituted rate fixing body of the State of Virginia; and to furnish street lighting for the City of Alexandria within the corporate limits thereof as now or hereafter constituted, the lamps supplying such illumination to burn from dusk to day-light each night, or approximately 4000 hours per lamp per year; at the following schedule of rates, provided the lamps now in use of any given size shall not be replaced by lamps of a smaller size.

For the first 100—600 C. P. lamps \$55.00 per lamp per year; for all over 100—600 C. P. lamps \$40.00 per lamp per year.

For the first 100—400 C. P. lamps \$46.00 per lamp per year; for all over 100—400 C. P. lamps \$30.00 per lamp per year

For the first 100—250 C. P. lamps \$32.50 per lamp per year; for all over 100—250 C. P. lamps \$25.00 per lamp per year.

For the first 100—100 C. P. lamps \$24.00 per lamp per year; for all over 100—100 C. P. lamps \$18.00 per lamp per year.

Provided that such contract shall be co-extensive with the franchise; shall make provision for re-adjustment of street lighting rates at intervals of not less than three or more than five years; and shall supersede that certain contract between the said City Council of Alexandria, and said Edward E. Mandeville, executed under ordinance approved by the Mayor of Alexandria, Virginia, July 25, 1906, and all amendments thereto, and all other contracts between the City Council of Alexandria of the one part, and Virginia Public Service Company, and/or any of its predecessors of the other part with reference to electric service of any kind to the City of Alexandria.

The City now burns 53—600 C. P. lamps until midnight at the rate of \$52.00 per lamp per year. Should the City desire to continue to burn this number of such lights on the same midnight schedule, the aforesaid contract may so provide, and the price for said lamps on such schedule shall be \$40.00 per lamp per year; provided, however, that said 53 lamps shall not be counted

in ascertaining the number of 600 C. P. lamps in use under the provisions of the first paragraph of the above schedule unless and until they are burned on the all night schedule, and at the rates provided in the first paragraph of said schedule.

Respectfully submitted,  
VIRGINIA PUBLIC SERVICE COMPANY,

By F. W. KING, Executive Vice President.

AND WHEREAS, when said bids in writing were presented, the said presiding officer caused the same to be read aloud and asked if there were any other bids to be submitted; and no other bids being submitted, the bidding was declared closed by the said presiding officer; and

WHEREAS, said bids were duly referred to the said City Council sitting as a committee of the whole, and by it duly considered and whereas at a subsequent special meeting of the said City Council duly called and held in the Council room of the City Hall in the City of Alexandria, Virginia at 2 o'clock, P. M., July 9, 1930, at which a quorum of said City Council was present; it was, on motion duly made and seconded, unanimously ordered by said City Council that the said bid of the Virginia Public Service Company be accepted and the franchise substantially as advertised be awarded to the said Virginia Public Service Company, and

WHEREAS, all the requirements of the law requisite to the granting of said franchise have been fully complied with,

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ALEXANDRIA, VIRGINIA, that a franchise be, and the same is hereby granted to the Virginia Public Service Company, a corporation, its successors and/or assigns (hereinafter generally referred to as GRANTEE), to use and occupy the streets, alleys and other public ways and places in the said City of Alexandria for the construction, maintenance and operation therein, thereon, thereunder and therethrough of a system of poles, wires, brackets, insulators, conduits and other equipment necessary or convenient for the transmission, distribution and sale of electric energy or current to the said City Council, to the residents thereof, to the manufacturing and other business interests and others located therein; and the right to transmit and distribute over said system electric current or energy in such voltages as the GRANTEE may desire and the City Council may approve and sell the same to the said City, the residents thereof and to others as aforesaid.

The electric current and energy to be transmitted and distributed over said system shall be sold to the City Council of Alexandria and residents thereof, to the manufacturing and business interests and others located therein at just and reasonable rates of charge therefor, and the poles, structures and other appliances to be located in the said streets, alleys and public ways of the said City shall be subject as to location to the approval of the Council of said City or of such of its committees or officials as may be designated by it to approve the location of the same.

In consideration of the granting of this franchise, the GRANTEE shall, when so requested by the City Council of Alexandria, Virginia, permit its poles to be used, without compensation from the said City Council, for the purpose of placing and maintaining thereon any fire or police alarms, telegraph and telephone wires, necessary for the exclusive use of the police or fire department of the said City, provided that such use by the said City Council shall not interfere with the proposed use of said poles by

the GRANTEE, its successors and/or assigns; and provided the said City Council shall agree to indemnify and save harmless said GRANTEE, its successors and/or assigns from any and all loss and/or damages, costs or expense to which the said GRANTEE, its successors and/or assigns may be subjected by reason of, or as the result of, the use of said poles by the said City Council as herein provided.

The rights and privileges herein granted are subject to the following conditions, limitations and restrictions, that is to say:

(1) The materials to be used and the manner of construction to be followed under this ordinance, shall be such as are used and followed by similar GRANTEES doing a similar business in cities of substantially the same size as the City of Alexandria. The location and laying of all pipes and conduits and the placing of wires thereon, and the erection and location of all posts, poles, fixtures and other structures to be done under this ordinance shall be subject, as to their location to the approval of such committee or city official as the City Council of Alexandria, Virginia, may from time to time designate, and when plans showing the location of such conduits, pipes, posts, poles and other structures as aforesaid have been submitted to and approved by said committee or official, the same shall be effective and binding to the same extent as if they were set out fully and at length in this ordinance; provided, however, that said posts and poles shall be neat, symmetrical and well dressed, and that all work done under this ordinance shall be done in such manner as not to interfere with the free and proper use of said streets, alleys and ways by the public, or unnecessarily obstruct the travel thereon.

(2) The work to be done under this ordinance, the pipes and conduits to be laid, and the posts, poles and other structure to be erected shall be so laid and so erected as not to damage the water, gas or sewerage pipes of the said City, or to interfere with or impede the said City Council, its servants or employees or others entitled to do so from freely approaching said water, gas and sewerage pipes, or in any way to unnecessarily interfere with the making of connection by the said City, or by the citizens thereof, with the water, gas and sewerage pipes which may now or hereafter be laid or constructed in said City.

(3) Whenever any of the poles, posts, structures or lines of the GRANTEE shall prove to be in the way of public street improvements actually being made in the said City, whether such street improvements be new or whether they be in the nature of change in location of existing streets, alleys or public ways, the said City Council reserves the right to cause or compel the GRANTEE, at its cost, to move so much of its said works in the said streets, alleys and ways of the said City as may unnecessarily impede the progress of such improvements, and upon the failure of the GRANTEE so to move its works when rendered necessary by such improvements, the said City Council may, after thirty days' notice in writing to the GRANTEE, itself make such necessary changes in the works of the GRANTEE at the cost and expense of the GRANTEE.

(4) By accepting this ordinance and franchise, the GRANTEE, its successors and/or assigns, hereby agrees to indemnify and save harmless the said City Council of Alexandria, Virginia, as a municipal corporation from all loss, cost and expense to which said City Council may be subjected for any damage or destruction that may be done or suffered by

any one in person or property for which the said City Council of Alexandria, Virginia, may be held liable by reason of any work to be done and/or the proper maintenance thereof under this ordinance.

(5) The GRANTEE, its successors and/or assigns shall, at its or their own proper cost, promptly replace, relay, repair and restore as nearly as possible to the original condition of the same all streets and/or sidewalks disturbed or damaged in the construction of the work authorized to be done by this ordinance; and upon failure to do so, after thirty days' notice in writing shall have been given by the Mayor or City Council of Alexandria, Virginia, or any duly authorized officer, so to do, then the said City Council may relay or repair such portion of the streets and/or sidewalks that may be so damaged or disturbed and collect the cost so incurred from the GRANTEE, its successors and/or assigns; FURTHERMORE should the City Council by an ordinance compel the GRANTEE, its successors and/or assigns to place its or their conductors or any portion or portions thereof under ground that the GRANTEE, its successors and/or assigns will bear the entire expense incident thereto for a distance not to exceed five miles.

(6) THE GRANTEE shall have the right to cut in a reasonable and careful manner from any trees in the streets of said City such limbs or branches as may be necessary to keep its wires and other fixtures and appliances free from interference therefrom and in a safe and efficient operating condition.

(7) The said GRANTEE shall also furnish electric current to the said City Council for the purpose of street lighting and other municipal purposes: said current to be furnished at such places and during such hours and at such rates of charge as may, from time to time, be agreed upon by the said GRANTEE and the City Council, of Alexandria, Virginia.

(8) This ordinance and the rights and privileges hereby granted and conferred shall not become effective unless and until the GRANTEE shall file with the Clerk of the City Council of Alexandria, Virginia, its written acceptance thereof, in form satisfactory to the Mayor of said City, and shall have entered into a bond with good and sufficient security, in favor of said City Council of Alexandria, Virginia, in the sum of \$50,000.00, conditioned to the effect that said GRANTEE will construct and put into operation the plant, system, fixtures and appliances herein provided for and reasonably necessary for the exercise of the rights and privileges granted by this ordinance within six months from the date of the passage of this ordinance, and will maintain the same in good order throughout the term of this grant, and will render efficient public service at just and reasonable rates within the present or future limits of the said City.

(9) The privilege hereby granted shall continue for a period of 30 years from the date of the approval of this ordinance.

(10) Upon the expiration of the term of this grant, or of any extension or renewal hereof, and upon the termination of the rights hereby granted, all of the poles, wires, conduits, lines and other property of the said GRANTEE in the streets, alleys or public places of the City of Alexandria shall be removed from the streets, alleys and public places of said City and said streets, alleys and public places restored as nearly as practicable to their original condition at the expense of the owner within a reasonable time after the expiration or termination of said rights and privileges, such time to be prescribed by the City Council of Alexandria.

Approved this 9th day of July, 1930.

R. S. JONES, Mayor