

ORDINANCE NO. 274

AN ORDINANCE GRANTING A FRANCHISE TO THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF VIRGINIA, ITS SUCCESSORS AND ASSIGNS, TO USE THE STREETS, HIGHWAYS, ALLEYS AND OTHER PUBLIC PLACES OF THE CITY OF ALEXANDRIA, VIRGINIA, FOR THE ERECTION, CONSTRUCTION AND MAINTENANCE THEREIN OF ITS POLES, WIRES, CONDUITS, CABLES, WORKS AND FIXTURES, FOR THE CONDUCT IN SAID CITY OF A GENERAL TELEPHONE SYSTEM.

WHEREAS a proposed ordinance, "ORDINANCE NO. 269," entitled "AN ORDINANCE ASKING FOR BIDS TO BE SUBMITTED FOR A FRANCHISE PROPOSED TO BE GRANTED BY THE COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA, TO A PERSON OR PERSONS, FIRM OR CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO USE THE STREETS, HIGHWAYS, ALLEYS AND OTHER PUBLIC PLACES OF THE CITY OF ALEXANDRIA, VIRGINIA, FOR THE ERECTION, CONSTRUCTION AND MAINTENANCE THEREIN OF ITS POLES, WIRES, CONDUITS, CABLES, WORKS AND FIXTURES, FOR THE CONDUCT IN SAID CITY OF A GENERAL TELEPHONE SYSTEM," was ordered to be advertised by the Council of the City of Alexandria, after its terms had been approved by the Mayor; and

WHEREAS the terms of said ordinance were approved by the Mayor and the same has been published once a week for four successive weeks in The Alexandria Gazette, a newspaper published in the City of Alexandria, and having general circulation in said City of Alexandria, which said advertisement invited bids for the franchise proposed to be granted in said ordinance, said bids to be in writing and delivered upon the day and hour named in said advertisement to the presiding officer of the Council, in open session; and

WHEREAS at the session of said Council to receive said bids, the presiding officer read aloud the only bid received, being the bid of The Chesapeake and Potomac Telephone Company of Virginia, in writing, and for the sum of Two Hundred Dollars (\$200.00); and

WHEREAS inquiry was made by the presiding officer if any further bids were offered; and

WHEREAS there were no further bids offered, and the presiding officer thereupon declared the bidding closed; and

WHEREAS the said proposed ordinance and said bid were referred to the Council as a committee of the whole which reported in favor of accepting said bid and adopting said ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA:

Sectin 1. That a franchise be, and the same is hereby granted to The Chesapeake and Potomac Telephone Company of Virginia, its successors and assigns, to construct, maintain and operate a general telephone system within the City of Alexandria, Virginia, and to erect, construct, maintain and operate, its poles, conduits, manholes, ducts, cables, wires and all other necessary overhead and underground works, fixtures and apparatus on, over, along, in, under and through the streets, highways, alleys, and other public places within the limits of the City of Alexandria; and to use the property of other companies and permit other companies to use its property upon such arrangements as the two companies may agree.

Section 2. That all poles erected by said Company shall be neat and symmetrical, and shall be so located as in no way to interfere with the safety or convenience of persons traveling on or over the said streets, highways, alleys and other public places; and in the installation and maintenance of its underground system said Company shall not open or encumber more of any street, highway, alley or other public place than will be necessary to enable it to perform the work with proper economy and efficiency.

Section 3. That the erection of poles and construction of conduits, under the provisions of this ordinance, shall be subjected to the approval and supervision of the City Manager or such other City Official designated by him, and said Company shall replace and properly relay any sidewalk or street pavement which may have been displaced or damaged by it in the construction and maintenance of its system.

Section 4. Said The Chesapeake and Potomac Telephone Company of Virginia, its successors and assigns, shall at all times be subject to any ordinances of said City now in existence or which may hereafter be enacted relative to the use of its streets, highways, alleys and other public ways and places, and said The Chesapeake and Potomac Telephone Company of Virginia, its successors and assigns, agrees by accepting this franchise that the Council of the City of Alexandria, Virginia, shall retain and reserve all its rights, powers and jurisdiction which it may exercise under its general police powers.

Section 5. That space on one crossarm of the poles erected or in one duct of the conduits constructed, under the provisions of this ordinance, shall be reserved, free of charge, for the purpose of carrying wires of any fire alarm or police telegraph system owned and maintained by said City, provided the said wires are placed and maintained in such a manner as may be prescribed by the said Company, and in no case used to carry electric light or high-tension currents.

Section 6. That the said Company shall maintain its lines in good and safe order and condition; and shall at all times fully indemnify, protect and save harmless the said City from and against all claims arising from the erection, construction or negligent maintenance of its said lines.

Section 7. The rights and privileges hereby granted shall continue for a period of thirty years, and unless this franchise is renewed in the manner provided by law, the said The Chesapeake and Potomac Telephone Company of Virginia, its successors and assigns, shall upon the termination of this franchise remove its poles, wires, conduits, cables, works, fixtures and apparatus from and out of said streets, highways, alleys, and other public places in said City, and shall replace any portion of said streets, highways, alleys or other public places occupied by it under the supervision of the City Manager, or such other City official designated by him, in good condition and of like material, within a reasonable time; or, in case of its failure so to do, the City may have such work done at the expense of said Company.

Section 8. In the event that the necessity and convenience of the City in the construction of its public works, requires the relocation of any of the poles or other works of said Company, such relocations shall be made by the Company at its expense, upon notice, in writing, from the City Manager of the City of Alexandria, Virginia.

Section 9. That nothing in this ordinance shall be construed to grant unto the said Company any exclusive right or to prevent a grant of similar privileges to other companies.

Section 10. This ordinance shall take effect from and after its passage.

BE IT FURTHER ORDAINED that THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF VIRGINIA, before proceeding to act under this ordinance, shall execute a bond, in the penalty of One Thousand Dollars (\$1,000.00) with good and sufficient security, in favor of the City of Alexandria, conditioned upon the construction and putting into operation and maintaining in good order, the plant provided for in this franchise, and the furnishing of efficient telephone service at reasonable rates.

APPROVED Jan. 24, 1939.

RICHARD L. RUFFNER,
Mayor.