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1909



AN ORDINANCE

GRANTING HARRY KURTZ, HIS SUCCESSORS AND ASSIGNS, THE RIGHT TO ERECT, MAINTAIN AND OPERATE A SYSTEM OF OIL OR GAS WORKS, OR BOTH, AND TO LAY MAINS, PIPES AND CONDUITS IN AND ALONG ALL STREETS, LANES, AVENUES, HIGHWAYS, ALLEYS AND PUBLIC GROUNDS OF THE TOWN OF CORYDON, INDIANA.

BE IT ORDAINED by the Board of Trustees of the town of Corydon, Indiana:

SECTION 1. That there is hereby granted to Harry Kurtz, his successors and assigns, for the purpose of supplying oil, natural or manufactured gas to the inhabitants of said city, for fuel, illuminating and power purposes, for a term of fifty years from and after the passage of this ordinance, the right to erect, maintain and operate a system of oil or gas works or both, and to construct all buildings, tanks and appertenances necessary for the successful operation of said works, and also the right to lay mains, pipes and conduits in and along all streets, lanes, avenues, highways, alleys and public grounds of the town of Corydon, Indiana, as the same exist or may hereafter be extended.

SECTION 2. That all lines of mains, pipes and conduits are to be located and laid in the streets, avenues, alleys, public grounds and sidewalks, in such manner as not to alter, change or move any pipes, mains, conduits, or sewers existing at the time of said location and laying, without the permission of said Board, and in the location and laying of such mains, pipes and conduits said Harry Kurtz, his successors and assigns, will hold the town harmless for any and all damages arising from negligence or mismanagement in or connected with said works.

There shall be no unnecessary or unreasonable obstruction of streets, alleys or public grounds, and the same shall be restored to their former condition as nearly and as soon as practicable, by the said Harry Kurtz, his successors and assigns, shall in not less than ten days before the commencement of the work of laying said mains, file in the office of the clerk of the Town of Corydon, Indiana, a penal bond in the sum of \$5,000, with sufficient sureties, to be approved by said clerk and conditioned upon the faithful compliance with the provisions of this section, and should said Harry Kurtz, his successors and assigns, after twenty-four hours service of

notice upon the officer or person in charge of said system of oil or gas works, or either, by any officer of said town designated by the said Board thereof, fail or refuse to comply with the provisions of this section, said Board, by any designated officer of said town, shall have the right to cause such streets, avenues, alleys and public grounds to be restored to their former condition, and the expenses of said work shall be recovered upon said bond.

During the progress of work of laying said mains, pipes and conduits, not more than four contiguous blocks of any street shall be opened at any one time, and crossings shall be maintained at all times at all intersecting streets and alleys.

SECTION 3. Said Harry Kurtz, his successors and assigns shall have the right to establish such rules and regulations concerning the use of such oil or gas as may be necessary to prevent wastage thereof, and to protect against frauds and imposition, and to provide for the proper observance of said rules and regulations, and further, shall have the right to require good workmanship and substantial material to be used in plumbing for the use of gas, and shall prohibit the tapping of all mains, pipes and conduits, and the laying of all pipes between the mains, pipes and conduits, and the laying of all pipes between the mains, pipes and conduits and the meter, except by his or their authorized agent.

Said Harry Kurtz, his successors and assigns shall furnish gas impartially to all persons located along the established lines of mains, pipes and conduits, provided said persons shall properly observe the rules and regulations herein authorized, and promptly pay for gas consumed, as hereinafter provided.

SECTION 4. It is further provided and ordained that the said Harry Kurtz his successors and assigns shall have the right to charge and collect for the gas actually consumed, shown by meters, at a rate not to exceed \$.50 for natural or mixed gas and \$1.00 for artificial gas per thousand cubic feet of gas, payable on bills rendered monthly, and said Harry Kurtz, his successors and assigns shall have the right to place meters upon any and all services, provided that the town shall have the right to test at all times the accuracy of such meters and the quality and purity of the gas, by any competent persons appointed by the Board of Trustees.

SECTION 5. In consideration of the granting of the rights and privileges herein, the said Harry Kurtz, his successors and assigns shall furnish to said town of Corydon, each month said system of gas works is operated under the provisions of this ordinance, five thousand cubic feet of gas, free of charge, to be consumed in such public buildings of said Board may designate. Provided, that said town of Corydon shall provide and maintain the plumbing necessary for the use of such gas and pay for all gas consumed in excess of said five thousand cubic feet, at the regular meter rates.

SECTION 6. Said Harry Kurtz, his successors and assigns are given the right under this franchise to organize an association or corporation under the laws of the state of Indiana, or any other state of the United States, and when transferred by the said Harry Kurtz, his successors and assigns to said association or corporation, all the rights, privileges and grants herein contained shall enure to said association or corporation.

SECTION 7. Within ninety days after the passage of this ordinance, the said Harry Kurtz, shall file in the office of the clerk of the town of Corydon, Indiana, a written acceptance of the provisions of this ordinance, and in event of an assignment of the franchise herein granted, any such assignee shall file his acceptance of this ordinance, and construction upon said system of oil or gas works, or either, shall commence within two years, and that work on all plants be completed and in operation within ten years, from the date of filing of such acceptance, otherwise the rights and franchises herein granted shall be deemed forfeited and null and void, as to the enterprise not then in operation at the expiration of said ten years.

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Harry Kurtz to operate

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