

ORDINANCE NO. 92-01-A

AN ORDINANCE GIVING AND RENEWING A FRANCHISE TO THE NORTHEAST FLORIDA TELEPHONE COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, AUTHORIZING IT TO CONTINUE TO ERECT, CONSTRUCT, EXTEND, IMPROVE, OPERATE, OR MAINTAIN A TELEPHONE SYSTEM IN AND THROUGH THE TOWN OF GLEN ST. MARY, BAKER COUNTY, FLORIDA, TO FURNISH TELEPHONE SERVICE TO THE TOWN AND THE INHABITANTS THEREOF, AND TO USE THE STREETS, ALLEYS, AND THOROUGHFARES OF THE TOWN FOR SUCH PURPOSES.

WHEREAS, the Northeast Florida Telephone Company, Inc., (Successor of Macclenny Telephone Company), a telephone company organized and existing under the laws of the State of Florida, hereinafter termed the "Corporation" has pursuant to ordinance operated and maintained a telephone system in and through the Town of Glen St. Mary, Florida, hereinafter termed the "Town", and has from time to time made additions, alterations, extensions and improvements therein and thereto; and

WHEREAS, it would be to the mutual benefit of the Town and the Corporation for the Town of Glen St. Mary to grant a renewal franchise to the Corporation to erect, construct, operate, improve and maintain a telephone system on terms that will assure the full control and use of the streets or alleys to the public so far as the maintenance of the system is concerned;

NOW THEREFORE: BE IT ORDAINED by the Town Council of the Town of Glen St. Mary, Florida, at its regular meeting on the 21ST day of July, A.D. 1992:

SECTION 1. That the Northeast Florida Telephone Company, a corporation organized and existing under the laws of the State of Florida, its successors and assigns, is hereby granted a franchise to:

telephone system or any part thereof shall restore to their original condition the streets or alleys on which said poles, cables, wires, underground conduit, manholes, and other telephone fixtures that have been erected, constructed, operated or maintained insofar as this practicable.

THIRD: The Corporation will comply with all reasonable rules, regulations of the Town and with all ordinances now in effect or which may hereinafter be passed insofar as they do not conflict with the terms or purposes of the franchise herein granted.

FOURTH: Service to be furnished to the public shall be in accordance with standards set up by the Florida Public Service Commission.

FIFTH: Corporation shall pay to the Town for the privilege of operating a telephone system under this franchise a sum equivalent to one percent (1%) of the annual gross Franchise Revenue Base received by the Grantee in connection with the operation of its telephone exchange within the limits of this franchise. Payment shall be made to the Grantor for each of the years that this Ordinance is in effect and shall be based on the receipts of the Grantee for the preceding fiscal year. For the purposes of this payment, such fiscal year shall be coextensive with the fiscal year of the Grantor and payment part of the fiscal year at the beginning and end of the term shall be prorated. Payment shall be made within six (6) months after the end of such fiscal year.

The Franchise Revenue Base shall be:

- (1) Monthly charges for local exchange service including:
 - (a) Charges for local service and shared tenant;

(b) The recurring portion of the charge for semi-public pay station service and the local message charges for such stations;

(c) Charges for private branch exchange and business local message rate service, (excluding extended local calling) including mobile service local messages;

(d) Subscriber station revenue from teletypewriter exchange service or equivalent or substituted service.

(2) All charges for local private line services including audio and video program transmission services where both terminals of the private line are within the Grantor's corporate limits.

(3) Charges for Morse transmissions, signaling, data transmission, remote metering and supervisory control, where both terminal points are within the Grantor's corporate limits.

SIXTH: This franchise shall take effect from and after the time of passage and shall continue for a period of thirty (30) years from said date.

SEVENTH: Either party may, by giving written notice to the other party at least (90) days prior to the tenth and twentieth anniversary of the effective date hereof, renegotiate the terms of this agreement. If new terms cannot thereafter be agreed upon, either party may terminate this agreement upon an additional ninety (90) days notice.

The parties recognize that franchise agreements, such as this agreement, are subject to change by the Florida Legislature; therefore, it is agreed between the parties that if any lawful change is made by the Florida Legislature affecting this agreement for either party, this agreement may be renegotiated so as to meet

(a) Erect, construct, operate, extend, maintain, and improve a telephone system consisting of, without limitations, exchange toll and trunk lines, conduits, cables, poles, pedestals, load coils, repeaters, voice radio circuits and exchanges, with all fixtures and appurtenances necessary or advisable for the proper operation and maintenance of said system, within the limits of the Town of Glen St. Mary, for the purpose of supplying telephone service through and beyond the Town.

(b) To use the streets, alleys and other public places of the Town, or space below such streets, alleys or public places, for such purposes;

(c) To make all necessary excavations in the public streets, alleys, or other public places and thoroughfares and with the approval of the Town Council or its authorized agent, to cut and trim all trees and shrubbery insofar as may be necessary to keep them clear of the poles, wires and cables of the telephone system, with due regards for the safety of the public.

The franchise is granted on the following terms:

FIRST: The telephone system shall be constructed, operated and maintained in a proper workmanlike manner so as to afford all reasonable safeguards to the public.

SECOND: All poles, cables, wires, underground conduits, manholes, and other telephone fixtures necessary or proper for the maintenance and operation of a telephone exchange and lines, shall be so erected, operated and maintained as not to interfere with traffic on the travel portions of the streets or alleys; and the Corporation, after the construction or reconstruction of said

the affect and intent of any current Florida Legislature.

This ordinance shall become effective ten (10) days after its adoption by the Town Council of the Town of Glen St. Mary, Florida.

PASSED AND ADOPTED, in regular meeting assembled by the Town Council of Glen St. Mary, Florida, this 21ST day of July, 1992.

Robert L. Thomas
Mayor

ATTEST:

James W. Hurst
James W. Hurst, Town Clerk