

STATE OF NORTH CAROLINA)
:
COUNTY OF HENDERSON)

AN ORDINANCE GRANTING A FRANCHISE UNTO DUKE POWER COMPANY TO CONSTRUCT AND MAINTAIN ITS LINES FOR THE TRANSMISSION OF ELECTRICITY ALONG, OVER AND UNDER THE HIGHWAYS OF THE CITY OF HENDERSONVILLE, STATE OF NORTH CAROLINA, AND TO CONDUCT AND CARRY ON WITHIN SAID CITY OF HENDERSONVILLE THE BUSINESS AUTHORIZED BY AND UNDER THE TERMS OF THE CHARTER OF SAID DUKE POWER COMPANY.

SECTION 1. Be it resolved and ordained by the Mayor and Councilmen of the City of Hendersonville, in the County of Henderson, State of North Carolina, that assent and permission be and the same hereby is given and granted unto Duke Power Company, its successors, and assigns, to lay, plant, extend, construct, build, erect, maintain, repair and remove its lines, poles, wires, appliances, conductors, fixtures and other appurtenances for the conducting, conveying and transmission of power by electricity upon, over, along and under all highways, roads, streets, avenues, sidewalks, alleys, lanes, bridges and other public places within said City of Hendersonville, and to do all necessary acts for that purpose; including the right, power and privilege to use, lease, sell, convey and transmit power by electricity for manufacturing, lighting, heating, motive power or other purpose or purposes.

SECTION 2. All poles used by said Duke Power Company shall be erected under the supervision and direction of the Committee on Streets of said City of Hendersonville and all highways, roads, streets, sidewalks, avenues, lanes, alleys, bridges and other public places that may be disturbed or damaged in the construction or maintenance of said lines, poles, wires or other appliances, shall be promptly replaced

and repaired by Duke Power Company at its own expense AND TO THE SATISFACTION OF SAID COMMITTEE ON STREETS, and all poles shall be substantial and symmetrical and so located as not to interfere with the public use of said highways, roads, streets, sidewalks, avenues, lanes, alleys, bridges or other public places, or endanger the property or person of the citizens of said City. And in case said Duke Power Company shall fail to so replace or repair said highways, roads, streets, avenues, lanes, sidewalks, alleys, bridges or other public places within ten days after written notice so to do from the Chairman of said Committee on Streets, the same may be replaced or repaired by proper authorities of said City, and the said Duke Power Company, in the event thereof, shall faithfully pay to said Committee on Streets of said City, the costs of such replacing or repairing, and pay in addition thereto the sum of five (\$5.00) dollars for each and every pole so replaced or repaired, by way of penalty for such failure.

SECTION 3. Said Duke Power Company shall be subject to any ordinance of said City now of force, or which may hereafter become of force relative to the use and manner of occupation by the said Duke Power Company of any or all highways, roads, streets, avenues, lanes, sidewalks, alleys, bridges or other public places within said City.

SECTION 4. Said Duke Power Company shall hold said City free and harmless from all damages or claims for damages arising by reason of the privileges hereby granted or by reason of the negligent construction or maintenance of said lines, poles

wires, appliances, fixtures and appurtenances.

SECTION 5. The rights and privileges above set forth are granted for the term of fifty (50) years effective immediately upon being adopted at two (2) regular meetings of the Council of the City of Hendersonville as provided by law.

This Ordinance was passed by a majority vote of the City Council voting in favor thereof at the regular meeting of said City Council held in the City of Hendersonville, North Carolina, on the 10th day of March, 1977 and was again passed for a second time by a majority vote of the said City Council at the regular meeting of the said City Council of the City of Hendersonville which was held in the City of Hendersonville, North Carolina, on the 7th day of April, 1977.

ATTEST:

Martha C. Bresnahan
Town Clerk

Boyce A. Whitmire
Mayor of Town of Hendersonville

C E R T I F I C A T E

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE COPY OF THE ORDINANCE AND RESOLUTION PASSED BY A MAJORITY VOTE OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE AT THE REGULAR MEETING HELD IN THE CITY OF HENDERSONVILLE ON THE 10th DAY OF March, 1977, AND WAS AGAIN PASSED BY A MAJORITY VOTE OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE FOR THE SECOND TIME AT THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE HELD IN THE CITY OF HENDERSONVILLE ON THE 7th DAY OF April, 1977.

Boyce A. Whitmire
Mayor of City of Hendersonville

ATTEST:

(SEAL OF THE CITY
OF HENDERSONVILLE)

Martha C. Bresnahan
City Clerk

The conditions and stipulations of the above ordinance and franchise are hereby accepted by Duke Power Company.

ATTEST:

DUKE POWER COMPANY

John C. Goodman, Jr.
Assistant Secretary

BY: D. W. Booth
D. W. Booth
Executive Vice President

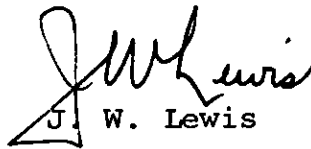
APPROVED
AS TO FORM
WJB
W. J. BOWMAN

April 22, 1977

Mr. William J. Bowman, Jr.
Legal Department
Building

I am enclosing an original and one copy of the Hendersonville franchise which have been duly executed and is for a period of fifty years.

Will you please transmit the original to Fred VonCannon, Corporate Records. The other copy is for your files.


J. W. Lewis

JWL:s
enclosure

cc: Mr. Robert J. Ashmore
Building

April 22, 1977

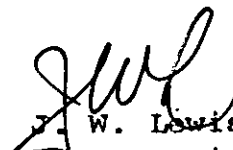
Mr. Keith Arledge, Vice President
Duke Power Company
Western Division
P.O. Box 2589
Hickory, N. C. 28601

Dear Keith:

Enclosed are two duly executed copies of the Hendersonville franchise. One copy is for the City and the other is for the district files.

I want to congratulate you and Sam McGuirt on the excellent job you did in getting this franchise renewed for fifty years.

Yours very truly,


J. W. Lewis
Vice President

JWL:s
enclosure

cc: Mr. William J. Bowman, Jr.
Legal Department
Building

COPY

MEMORANDUM

FORM 647

DATE 2/11/77

TO J. W. Lewis

ADDRESS _____

FROM Bill Bowman

SUBJECT Hendersonville Franchise

Attached please find 4 bound copies of the new Hendersonville franchise and 12 additional copies.

Please advise if and when the franchise is approved by the City Council.

February 7, 1977

J.W. Lewis

~~Mr. William J. Bowman, Jr.~~

Division Operations

Re: Hendersonville Franchise

Enclosed please find your Hendersonville file that I am returning.

I sent Keith Arledge a copy of the Hendersonville franchise containing my suggested additions and modifications. Mr. Arledge telephoned me today after discussing my changes with Sam McGuirt. They both felt that this franchise would be easier to renew if Duke Power resubmitted the franchise as it is now worded.

If you have any further questions please advise.

William J. Bowman, Jr.

WJB,Jr:dk

Mr. Lewis called on 2/8/77 & requested that we have the franchise typed up.

2/7/77

I received a call today from Keith Hledge, VP for Western Division. He and Sam McQuint, Hendersonville District Manager, had discussed my proposed changes. They both felt that his franchise would be easier to reverse if OPC re-submitted the franchise as it now exists.

January 26, 1977

Keith Arledge
Hickory Office

Re: Hendersonville Franchise Renewal

Helen Smith has asked me to review the present franchise for Hendersonville prior to its expiration and the submission of a new franchise to the City Council.

Attached⁶ is a copy of the Hendersonville franchise which contains my suggested modifications. Most involve only minor word changes that I found in other Duke franchises.

J. W. Lewis has suggested that I discuss these with you to determine whether these proposed changes should be included.

Please contact me at 373-4472 after you have had an opportunity to read this material.

William J. Bowman, Jr.

WJB, Jr:dk