

ORDINANCE NO. 9, 1953

CITY OF BLOOMINGTON, INDIANA

AN ORDINANCE RATIFYING AND APPROVING THE ACTION OF THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF BLOOMINGTON, INDIANA, IN ENTERING INTO AN AGREEMENT AMENDING A CONTRACT FOR OVERHEAD STREET LIGHTING SERVICE AND ENTERING INTO AGREEMENTS AMENDING CONTRACTS FOR ORNAMENTAL STREET LIGHTING SERVICE WITH PUBLIC SERVICE COMPANY OF INDIANA, INC., AN INDIANA CORPORATION, ON THE 4 DAY OF May, 1953.

WHEREAS, HERETOFORE, to-wit: On the 4 day of May, 1953, the BOARD OF PUBLIC WORKS AND SAFETY, acting for and in behalf of said CITY OF BLOOMINGTON, INDIANA, entered into the following agreement amending that certain agreement for overhead street lighting service dated September 3, 1946, and the following agreements amending certain agreements for ornamental street lighting service dated September 3, 1946 with PUBLIC SERVICE COMPANY OF INDIANA, INC., an Indiana Corporation, which said amendatory agreements are in words and figures as follows, to-wit:

AGREEMENT AMENDING CONTRACT FOR OVERHEAD
STREET LIGHTING SERVICE

THIS AGREEMENT, made and entered into this 4 day of May, 1953, by and between the CITY OF BLOOMINGTON, a municipal corporation in Monroe County and organized under the laws of the State of Indiana, acting by and through its Board of Public Works and Safety (hereinafter called "Municipality"), party of the first part, and PUBLIC SERVICE COMPANY OF INDIANA, INC., a corporation organized under the laws of the State of Indiana (hereinafter called "Company"), party of the second part,

WITNESSETH:

WHEREAS, on the 3rd day of September, 1946, Municipality and Company made and entered into a certain agreement (hereinafter called the "Lighting Contract") relating to the furnishing of street lighting service to Municipality from an overhead street lighting system owned and operated by Company which was approved by the Public Service Commission of Indiana on the 19th day of September, 1946: and

WHEREAS SECTION II of the Lighting Contract provides for Company to install, maintain and operate 321 - 2500 lumen lamps and 71 - 6000 lumen lamps; and

WHEREAS, a certain map, numbered E-5514 dated May 13, 1936 and revised August 20, 1946, is attached to the Lighting Contract and is marked Exhibit "A" Sheet #1, and a certain map, numbered B-8960 dated August 26, 1946, is attached to the Lighting Contract and is marked Exhibit "A" Sheet #2, which maps together show the locations of 321 - 2500 lumen lamps and 71 - 6000 lumen lamps; and

WHEREAS, because of certain changes in the physical characteristics of certain streets in Municipality, it was impossible to conform exactly to the conditions set out in Section II and as shown on the Maps referred to above; and

WHEREAS, Company has actually installed, maintained and operated certain lamps not specifically shown on the above mentioned maps or included in the SCHEDULE OF LAMPS in Section II of the

Lighting Contract and has billed Municipality from time to time for certain lamps; and

WHEREAS, Municipality has paid Company since the time said lamps were installed for the operation of said lamps and for the electric energy supplied therefor; and

WHEREAS, Municipality and Company desire to amend the Lighting Contract so as to include said lamps under the terms and provisions thereof;

NOW, THEREFORE, in consideration of the premises and the performance by the parties hereto of all the covenants and agreements hereto, hereinafter set forth, it is mutually covenanted and agreed as follows:

Section 1. As of September 3, 1946, Section II of the Lighting Contract is hereby amended to read as follows:

Section II. A detail of the locations of the lamps to be supplied for said overhead street lighting system and the respective sizes of such lamps is set forth on the prints hereto attached, bearing print No. E-5514 and print No. B-8960, marked respectively Exhibit "A" Sheet #1 (Revised) and Exhibit "A" Sheet #2 (Revised) and made a part hereof the same as if incorporated herein. "The original installation as shown on said Exhibit "A" Sheet #1 (Revised) and Exhibit "A" #2 (Revised) provides for the minimum number of lamps of the respective sizes that shall be operated hereunder during the term of this agreement, said number and sizes being as follows:

SCHEDULE OF LAMPS

0 - 1000 lumen 319 - 2500 lumen 0 - 4000 lumen 79 - 6000 lumen"

Section 2. As of September 3, 1946 the Lighting Contract is hereby amended by striking out Exhibit "A" Sheet #1 and Exhibit "A" Sheet #2, and inserting in lieu thereof Exhibit "A" Sheet #1 (Revised) and Exhibit "A" Sheet #2 (Revised), respectively.

Section 3. Except as expressly amended by this agreement, all terms and conditions of the Lighting Contract shall be and remain in full force and effect.

Section 4. This agreement shall become effective and binding upon the parties hereto when and as soon as it is filed with and approved by the Public Service Commission of Indiana.

IN WITNESS WHEREOF the parties hereto have caused quadruplicate copies of this agreement and amendatory contract to be duly executed by their respective officers, and their respective corporate seals to be duly affixed to such quadruplicate copies, and properly attested, all as of the day, month and year first above written.

CITY OF BLOOMINGTON, INDIANA
BYEBOARD OF PUBLIC WORKS AND SAFETY
S/ EMMETT KISLY
S/ ROBERT F. McCREA
S/ J. H. CASON

ATTEST:
S/ ESTHER F. LEAVITT
Clerk-Treasurer

PUBLIC SERVICE COMPANY OF INDIANA, INC.
By _____
Vice-President

ATTEST:

Secretary

AGREEMENT AMENDING CONTRACT FOR
ORNAMENTAL STREET LIGHTING SERVICE

THIS AGREEMENT, made and entered into this 4 day of May, 1953, by and between the CITY OF BLOOMINGTON, a municipal corporation in Monroe County and organized under the laws of the State of Indiana, acting by and through its Board of Public Works and Safety (hereinafter called "Municipality"), party of the first part, and PUBLIC SERVICE COMPANY OF INDIANA, INC., a corporation organized under the laws of the State of Indiana, (hereinafter called "Company"), party of the second part,

WITNESSETH:

WHEREAS, on the 3rd day of September, 1946, Municipality and Company made and entered into a certain agreement (hereinafter called the "Lighting Contract"), relating to the furnishing of street lighting service to Municipality from an ornamental street lighting system owned and operated by Company which was approved by the Public Service Commission of Indiana on the 19th day of September, 1946; and

WHEREAS SECTION II of the Lighting Contract provides for Company to install, maintain and operate 105 - 2500 lumen lamps, 211-6000 lumen lamps and 76 - 10,000 lumen lamps; and

WHEREAS, a certain map, numbered D-5520 dated August 21, 1946, is attached to the Lighting Contract, which shows the locations of 105-2500 lumen lamps, 211 - 6000 lumen lamps and 76 - 10,000 lumen lamps; and

WHEREAS, because of certain changes in the physical characteristics of certain streets in Municipality, it was impossible to conform exactly to the conditions set out in Section II and shown on the Map referred to above; and

WHEREAS, Company has been unable to install, maintain and operate certain lamps shown on the above mentioned map and included in the SCHEDULE OF LAMPS in Section II of the Lighting Contract and has billed Municipality from time to time for only such lamps as have been installed, maintained and operated; and

WHEREAS, Municipality has paid Company since the time said lamps were installed for the operation of said lamps and for the electric energy supplied therefor; and

WHEREAS, Municipality and Company desire to amend the Lighting Contract so as to include only such lamps as have been installed, maintained and operated under the terms and provisions thereof:

NOW, THEREFORE in considering of the premises and the performance by the parties hereto of all the covenants and agreements hereto, hereinafter set forth, it is mutually covenanted and agreed as follows:

Section 1. As of September 3, 1946, Section II of the Lighting Contract is hereby amended to read as follows:

"Section II. A detail of the locations of the lamps to be supplied for said ornamental street lighting system and the respective sizes of such lamps is set forth on the print hereto attached, bearing print No. D-5520 marked Exhibit "A" (Revised) and made a part hereof the same as if incorporated herein.

"The original installation, as shown on said Exhibit "A" (Revised), provides for the minimum number of lamps of the respective sizes that shall be operated hereunder during the term of this agreement, said number and sizes being as follows:

SCHEDULE OF LAMPS

102 - 2500 lumen 0-4000 lumen 211 - 6000 lumen 76-10,000 lumen
(buried cable)"

Section 2. As of September 3, 1946, the Lighting Contract is hereby amended by striking out Exhibit "A" and inserting in lieu thereof Exhibit "A" (Revised).

Section 3. Except as expressly amended by this agreement, all terms and conditions of the Lighting Contract shall be and remain in full force and effect.

Section 4. This Agreement shall become effective and binding upon the parties hereto when and as soon as it is filed with and approved by the Public Service Commission of Indiana.

IN WITNESS WHEREOF the parties hereto have caused quadruplicate copies of this agreement and amendatory contract to be duly executed by their respective officers, and their respective corporate seals to be duly affixed to such quadruplicate copies, and properly attested, all as of the day, month and year first above written.

CITY OF BLOOMINGTON, INDIANA

BY BOARD OF PUBLIC WORKS AND SAFETY

S/ EMMETT KELLY
S/ ROBERT F. MCCREA
S/ J. W. CASON

ATTEST:

S/ ESTHER R. LEAVITT
Clerk-Treasurer

PUBLIC SERVICE COMPANY OF INDIANA, INC.

BY _____
Vice-President

ATTEST:

Secretary

AGREEMENT AMENDING CONTRACT FOR ORNAMENTAL STREET LIGHTING SERVICE

THIS AGREEMENT, made and entered into this 4 day of May, 1953, by and between the CITY OF BLOOMINGTON, a municipal corporation in Monroe County and organized under the laws of the State of Indiana, acting by and through its Board of Public Works and Safety (hereinafter called "Municipality"), party of the first part, and PUBLIC SERVICE COMPANY OF INDIANA, INC., a corporation organized under the laws of the State of Indiana, (hereinafter called "Company") party of the second part,

WITNESSETH:

WHEREAS, on the 3rd day of September, 1946, Municipality and Company made and entered into a certain agreement (hereinafter called the "Lighting Contract"), relating to the furnishing of street lighting service to Municipality from an ornamental street lighting system owned by Municipality and operated by Company which was approved by the Public Service Commission of Indiana on the 19th day of September, 1946; and

WHEREAS SECTION II of the Lighting Contract provides for Company to operate 151 - 2500 lumen lamps; and

WHEREAS, a certain map, numbered F-5522 dated May 12, 1936 and revised August 16, 1946, is attached to the Lighting Contract and is marked Exhibit "A" which map shows the locations of 151 - 2500 lumen lamps; and

WHEREAS, a certain map, numbered F-5522 dated May 12, 1936 and revised August 16, 1946, is attached to the Lighting Contract and is marked Exhibit "A" which map shows the locations of 151 - 2500 lumen lamps; and

WHEREAS, because of certain changes in the physical characteristics of certain streets in Municipality, four (4) of said lamps have been eliminated; and

WHEREAS, Company has billed Municipality from time to time for only such lamps as have been operated; and

WHEREAS, Municipality has paid Company since the time said lamps were installed for the operation of said lamps and for the electric energy supplied therefor; and

WHEREAS, Municipality and Company desire to amend the Lighting Contract so as to include only such lamps as have been operated under the terms and provisions thereof:

NOW, THEREFORE, in consideration of the premises and the performance by the parties hereto of all the covenants and agreements hereto, hereinafter set forth, it is mutually covenanted and agreed as follows:

Section 1. As of September 3, 1946, Section II of the Lighting Contract is hereby amended to read as follows:

"Section II. A detail of the locations of the lamps constituting said ornamental street lighting system and the respective sizes of such lamps is set forth on the print hereto attached, bearing print No. F-5522, marked Exhibit "A" (Revised) and made a part hereof the same as if incorporated herein.

"The original installation, as shown on said Exhibit "A" (Revised), provides for the minimum number of lamps of the respective sizes that shall be operated hereunder during the term of this agreement, said number and sizes being as follows:

SCHEDULE OF LAMPS

147 - 2500 lumen 0 - 4000 lumen 0 - 6000 lumen"

Section 2. As of September 3, 1946, the Lighting Contract is hereby amended by striking out Exhibit "A", and inserting in lieu thereof Exhibit "A" (Revised).

Section 3. Except as expressly amended by this agreement, all terms and conditions of the Lighting Contract shall be and remain in full force and effect.

Section 4. This agreement shall become effective and binding upon the parties hereto when and as soon as it is filed with and approved by the Public Service Commission of Indiana.

IN WITNESS WHEREOF the parties hereto have caused quadruplicate copies of this agreement and amendatory contract to be duly executed by their respective officers, and their respective corporate seals to be duly affixed to such quadruplicate copies, and properly attested, all as of the day, month and year first above written.

CITY OF BLOOMINGTON, INDIANA

BY BOARD OF PUBLIC WORKS AND SAFETY

S/EMMETT KELLY
S/ROBERT F. McCREA
S/J.N. CASON

ATTEST:

S/ESTHER F. LEAVITT
Clerk-Treasurer

PUBLIC SERVICE COMPANY OF INDIANA, INC.

BY _____
Vice-President

ATTEST:

Secretary

and

WHEREAS, all acts, conditions and things precedent to the execution of the said respective amendatory agreements hereinbefore set forth have happened and been properly done in regular and due form as required by law; and

WHEREAS, said amendatory agreements have been submitted by said BOARD OF PUBLIC WORKS AND SAFETY of the CITY OF BLOOMINGTON, INDIANA, to the COMMON COUNCIL of said City for its consideration and action thereon;

NOW, THEREFORE, Be it Ordained by the COMMON COUNCIL of the CITY OF BLOOMINGTON, in Monroe County, Indiana, as follows; to-wit:

Section 1. That the foregoing amendatory agreement for overhead street lighting service, made and entered into on the 4 day of May, 1953, the foregoing amendatory agreement for ornamental street lighting service from a system owned by Company, made and entered into on the 4 day of May, 1953, and the foregoing amendatory agreement for ornamental street lighting service from a system owned by Municipality, made and entered into on the 4 day of May, 1953, between the BOARD OF PUBLIC WORKS AND SAFETY of the CITY OF BLOOMINGTON, INDIANA and PUBLIC SERVICE COMPANY OF INDIANA, INC., be and the same are hereby in all things ratified, confirmed and approved.

Section 2. That this ordinance is passed on the same day and at the same meeting at which it is introduced and it is passed by the unanimous consent of all members of the COMMON COUNCIL present and there are present and voting at least two-thirds of the members elect of said COMMON COUNCIL.

Section 3. That this ordinance shall be in full force and effect from and after its passage.

Passed by the COMMON COUNCIL this 5 day of May, 1953.

PRESIDING OFFICER OF THE COMMON COUNCIL
OF THE CITY OF BLOOMINGTON, INDIANA

S/EMMETT KELLY

ATTEST:

S/ESTHER F. LEAVITT
Clerk-Treasurer

Presented by me to the Mayor this 5 day of May, 1953.

S/ESTHER F. LEAVITT
Clerk-Treasurer

Approved and signed this 5 day of May, 1953.

S/EMMETT KELLY
Mayor of the City of Bloomington, Indiana