

**THE EMPIRE DISTRICT ELECTRIC COMPANY
FRANCHISE AGREEMENT**

BILL NO. _____

ORDINANCE NO. 1492

An ordinance granting The Empire District Electric Company, a corporation, its successors and assigns, the right to use the streets, alleys and public grounds for the purpose of erecting and maintaining an electric distribution system, with the necessary poles, wires and other apparatus, equipment and appliances therefor, and to string wires above ground or carry same thereunder; and the right to do all things necessary and proper for the purpose of generating or otherwise procuring electric energy, or any part thereof, and distributing same throughout the *CITY* of Columbus, Kansas, and of supplying and selling electric energy for light, power, heat and any other purposes to the said *CITY* and the inhabitants thereof, and fixing the terms and conditions upon which such rights may be granted and exercised.

BE IT ORDAINED by the City Council of the *CITY* of Columbus, Kansas, as follows:

SECTION 1. That The Empire District Electric Company, hereinafter called the Company, its successors and assigns, are hereby authorized and empowered to use the streets, avenues, lanes, alleys and other public grounds and ways in the *CITY* of Columbus, Kansas, as its limits now exist or may be altered, for the purpose of erecting and maintaining an electric distribution system, with the poles, wires (above ground or thereunder) and other apparatus, equipment and appliances necessary therefor, and for the purpose of conducting, supplying, distributing, and selling electric energy to the *CITY* and/or the inhabitants thereof for light, power, heat, and any other purposes; and for the purpose of erecting and maintaining a plant or plants in said *CITY* for the generating of electric energy, with the right in said Company also to generate or procure said electric energy, or any part thereof, at other points and to carry same into said *CITY* and there make distribution and sale thereof, and the further right in said Company to transmit any of said electric energy from or through said *CITY* for sale outside the limits thereof.

SECTION 2. Said Company shall use every reasonable precaution to avoid damage or injury to person or property, and agrees to indemnify and save harmless the said *CITY* from damage, injury, suits, actions, loss or expense arising from any negligent construction, reconstruction, repair, maintenance or operation of its said electrical system.

SECTION 3. The Company agrees that it will furnish continuous and uninterrupted electric service from the beginning of such service to the end of the franchise period, except for interruptions caused by strikes, riots, governmental interference or regulation, acts of Providence, accidents beyond the control of the Company, or necessary maintenance or replacements.

SECTION 4. All rates established and charges made by the Company for electric energy distributed and sold hereunder shall be subject to the valid and lawful orders of the Kansas Corporation Commission, or other competent authority having jurisdiction, and the distribution and sale of electric energy to consumers shall be governed by such operating rules, regulations and practices of the Company as may now or hereafter be prescribed or approved by competent authority.

SECTION 5. All terms and provisions of this Ordinance shall be binding upon the parties hereto, and upon their respective successors and assigns.

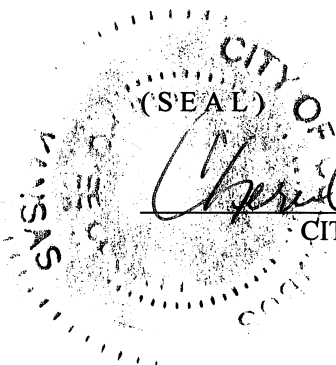

SECTION 6. The franchise granted herein shall be non-exclusive.

SECTION 7. The non-exclusive franchise granted herein shall continue and remain in full force and effect for a period of ten (10) years from and after the effective date of this Ordinance, providing written acceptance is made in writing by the COMPANY, signed by its proper officers and filed with the City Clerk within a period of thirty (30) days from and after said effective date.

SECTION 7. This Ordinance shall take effect and be in force, and the franchise herein granted shall be and become effective on February 22, 2022 and the City Clerk of said City is hereby directed and empowered to cause this Ordinance to be published in full in the official newspaper of said City for one (1) publication after its final adoption and passage, and in accordance with the provisions of K.S.A., Section 12-824.

PASSED AND APPROVED this 22nd day of February, 2022.


MAYOR


CITY OF LAWRENCE, KANSAS
(SEAL)

CITY CLERK

FROM THE RECORDS OF THE CITY OF Columbus, Kansas

The CITY COUNCIL of the CITY of Columbus, Kansas, met in regular session at Columbus City Hall, at 6:30 o'clock p.m. on Tuesday, February 22, 2022, with the following present:

Lindsay Shoemaker, Kathy Doherty, _____,
Tom Pryor, _____, _____,
Sammye Opela, _____, _____,
and with the following absent:
Stephanie Farstreet, _____, _____.

When and where the following, among other proceedings of the City Council were had and made a matter of record, to-wit:

A bill was submitted for consideration, entitled: "An Ordinance granting The Empire District Electric Company, a corporation, its successors and assigns, the right to use the streets, alleys and public grounds for the purpose of erecting and maintaining an electric distribution system, with the necessary poles, wires and other apparatus, equipment and appliances therefor, and to string wires above ground or carry same thereunder; and the right to do all things necessary and proper for the purpose of generating or otherwise procuring electric energy, or any part thereof, and distributing same throughout the CITY of COLUMBUS Kansas, and of supplying and selling electric energy for light, power, heat and any other purposes to the said CITY and the inhabitants thereof, and fixing the terms and conditions upon which such rights may be granted and exercised."

After considerable discussion of the matter with MIKE EVANS, who was present at the meeting representing the Company, a motion was made by Opela, seconded by Doherty, that the bill be placed on its first reading; the same was publicly read in full and passed on its first reading by the following vote:

Doherty, Aye; Opela, Aye; Pryor, Aye;
Shoemaker, Aye; _____, Aye; _____, Aye;

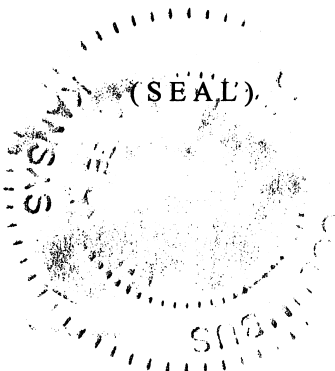
Nay; None

The bill was then held for further reading at a subsequent meeting of the City Council. NA

I, Cherri Chancellor, Clerk of the CITY of **Columbus, Kansas**, do hereby certify that the above and foregoing is a true and correct copy of a part of the minutes of the meeting of the City Council held February 22, 20 22 being that part regarding the passage on first reading of ~~Bill No.~~ 1492, as same appears in the records of said CITY. Ord.

In testimony hereof, I have hereunto set my hand as said CITY Clerk, and affixed the seal of said CITY at my office in Columbus, ~~Missouri~~ KANSAS, this 22nd day of February, 20 22

Cherri Chancellor
CITY CLERK



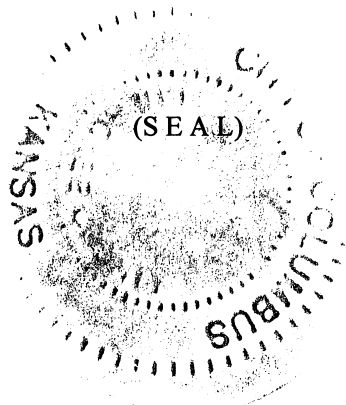
CERTIFICATION

I, Cheri Chancellor, Clerk of the CITY of **Columbus, Kansas** do hereby certify that attached hereto is a true and correct copy of Ordinance No. adopted at a meeting of the City Council held on 2/22, 2022.

I further certify that Bill No. adopted as Ordinance No. 1492 remained on file in my office for public inspection at least thirty (30) days before its final passage.

In Testimony Hereof, I have hereunto set my hand as said CITY Clerk and affixed the seal of said CITY at my office in **Columbus, Kansas** this 22nd day of February, 2022.

Cheri Chancellor
CITY CLERK



The **CITY COUNCIL** of the *CITY* of _____, Kansas, met in regular session at _____, at _____ o'clock p.m. on _____, _____, 20____, with the following present:

_____, _____, _____,
 _____, _____, _____,
 _____, _____, _____,
 and with the following absent:
 _____, _____, _____.

When and where the following, among other proceedings of the City Council were had and made a matter of record, to-wit:

A bill was submitted for consideration, entitled: "An Ordinance granting The Empire District Electric Company, a corporation, its successors and assigns, the right to use the streets, alleys and public grounds for the purpose of erecting and maintaining an electric distribution system, with the necessary poles, wires and other apparatus, equipment and appliances therefor, and to string wires above ground or carry same thereunder; and the right to do all things necessary and proper for the purpose of generating or otherwise procuring electric energy, or any part thereof, and distributing same throughout the *CITY* of _____, Kansas, and of supplying and selling electric energy for light, power, heat and any other purposes to the said *CITY* and the inhabitants thereof, and fixing the terms and conditions upon which such rights may be granted and exercised."

CITY Clerk _____ reported that this bill had been on file with the CITY Clerk for public inspection since _____, 20__. She further reported that the bill was passed on first reading on _____, 20__. After considerable discussion of the matter by the Council with _____ of The Empire District Electric Company who was present at the meeting on behalf of the Empire company, it was moved by _____, seconded by _____, that any rules contrary thereto be suspended and the bill be placed on its second and final reading; was read in full and passed on its second reading by the following vote:

_____, Aye;	_____, Aye;	_____, Aye;
_____, Aye;	_____, Aye;	_____, Aye;
_____, Aye;	_____, Aye;	_____, Aye;
		Nay, None.

It was moved by _____, seconded by _____, that the bill be given the title of Ordinance No. _____ and be adopted and the same was adopted by the following vote:

_____, Aye;	_____, Aye;	_____, Aye;
_____, Aye;	_____, Aye;	_____, Aye;
_____, Aye;	_____, Aye;	_____, Aye;
		Nay, None.

✓ Said instrument was then signed by the Mayor and attested by the Clerk, and being so passed and adopted, was made a part of the records of the City Council.

* * * * *

I, _____, Clerk of the CITY of **Columbus, Kansas**, do hereby certify that the above and foregoing is a true and correct copy of a part of the minutes of the meeting of the City Council held _____, 20____, being that part regarding the passage of Ordinance No. _____ as same appears in records of said CITY.

_____, 20____

To the Mayor and City Council
of the CITY of **Columbus, Kansas**:

THE EMPIRE DISTRICT ELECTRIC COMPANY hereby accepts the terms and
provisions of Ordinance No. 1492, passed by your Honorable Body on
2/22, 2022

By _____
Tim Wilson
Vice President

(SEAL)
ATTEST:

Tisha Sanderson
Secretary