

ORDINANCE NO. 130.

Authorizing the South Atlantic Telephone and Telegraph Company, its successors and assigns, to establish, construct, maintain and operate its telephone poles, wires and other telephone property upon, along, across and under the public streets, roads, lanes, alleys, avenues, boulevards and other public highways and places in the City of Miami Beach, Florida.

BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That permission be, and the same is, hereby granted to the South Atlantic Telephone and Telegraph Company, a corporation of Florida, its successors and assigns, for the full term of thirty (30) years from the date upon which this ordinance shall become effective, to establish, construct, maintain and operate lines of telephone and telegraph, including all necessary poles, fixtures, underground conduits, manholes, and electrical conductors upon, along, across and under the public streets, roads, lanes, alleys, avenues, boulevards, and other public highways and places, or any part thereof, within said City of Miami Beach, as the business of said Company from time to time may require.

SECTION 2. That the work herein necessary to be done in connection therewith shall be done under the supervision and with the approval of the Street Committee of said City, or of properly designated city officials authorized to supervise and approve the same.

SECTION 3. That the South Atlantic Telephone and Telegraph Company, its successors or assigns, shall properly replace and relay and sidewalk, gutter, curb, street, road, lane, alley, boulevard, parking place, or other public highway or places that may be displaced by said Company in the construction, maintenance and operation of its poles, fixtures, conduits and manholes, or other property; and that upon the failure of said

Company so to do, after ten days' notice of said failure shall have been given by said City to said Company, its successors or assigns, said City may repair, replace or relay such portion of such sidewalk, curb, gutter, road, lane, alley, boulevard, parking place, or other public highways and places that may have been so disturbed, injured, displaced or impaired by said Company and collect the cost so incurred from said Company.

SECTION 4. That all poles and other equipment of said Company shall be placed in such a manner as not to obstruct traffic on the streets or sidewalks of said City; and all wires placed on poles shall be strung at least two feet above or below existing lines of telegraph or electric light wires, and at least eighteen feet above street grades. Said wires at all points of contact shall be protected by good and sufficient glass insulators.

SECTION 5. That all wires of other companies maintaining and operating telegraphic, electric light and street car systems within said City, shall also be required by franchises hereafter granted to string their wires and cables at least two feet above or below the wires of this Company, and at least eighteen feet above street grades.

SECTION 6. That said Company, its successors or assigns, shall, upon demand of the said City, provide one crossarm on each pole, or one duct when an underground system is installed, on which said City may desire to attach either fire alarm, telegraph or police telegraph wires, for the free use of the police and fire alarm or telegraph systems of said City.

SECTION 7. That the said Company, its successors and assigns, shall at all times be subject to the reasonable and valid ordinances of said City regulating excavations in the public highways or places of said City, or governing the issuance of permits for excavations, or prohibiting the maintenance of poles or wires above ground, or requiring the use of underground wires and lines, and to all other reasonable and valid ordinances relative to the use of the public highways and places of said City by Telephone and Telegraph Companies.

SECTION 8. That said Company, its successors and assigns, shall indemnify the said City of Miami Beach, Florida, against all damages which shall accrue to said City resulting from any injury to persons or property on account of the performance of the work herein authorized, or on account of the neglect of said Company or any of its employees, to comply with any ordinance relative to the use by said Company of said public highways and places; and the acceptance by the Company of this ordinance shall constitute an agreement by it to pay to the said City any sum of money for which the said City would otherwise become liable by reason of such injury.

SECTION 9. That the said Company, during the period covered by this ordinance, shall pay to the City of Miami Beach, in lawful money of the United States, annually, a sum equal to one per cent of its annual gross receipts from rentals derived from telephones in use within said City of Miami Beach, payable for each year upon the first day of January of the succeeding year; the first payment of which shall be made on January 1, 1922.

SECTION 10. In case any building is moved from one section of the City of Miami Beach to another, under permit of the City Council, the said Company shall, on demand of the party holding such permit, promptly arrange their wires so as to permit the passage of such building, upon the party holding the permit furnishing said Company a good and sufficient bond in an amount sufficient to cover the expense to said Company of its removing, changing, altering and restoring its wires or other property so as to permit the passage and removal of such building.

SECTION 11. That it shall be the duty of said Company under the terms of this franchise to install and fully equip within ~~one~~ one year after the date of the election confirming said franchise, a modern telephone system, provided, however, that such time shall be extended by an addition of such time as may be necessarily consumed by an unavoidable delay in procuring labor, including the services of necessary experts for such work,

and material, including all necessary fixtures and appliances for the proper installation of said system.

SECTION 12. That it shall be the duty of and the said Company hereby covenants and agrees that the said modern system referred to in Section 11 of this franchise, shall be installed and extended within the time prescribed in Section 11 of this franchise, to all points, residences, business houses, and other places where telephones are used under the existing telephone system of the City of Miami Beach at the time said installation is completed under the time limitation contained in Section 11 of this franchise; Provided, however, that said installation and service shall be subject at all times to the rules, regulations, rates and requirements of the said Company.

SECTION 13. That this ordinance shall not affect or invalidate any franchise rights, duties or obligations said Company may now have under any by virtue of any valid ordinance heretofore legally passed and adopted by said City.

SECTION 14. That the said Company shall file with the City Clerk of said City its acceptance of this ordinance and the provisions thereof, within sixty days after the date of the election confirming this franchise as hereinafter referred to; and the date of its acceptance by the Company shall be the date upon which this ordinance shall become effective.

SECTION 15. That the said City hereby reserves the right to, and does hereby require the said Company as a condition precedent to the taking effect of the rights and franchise herein granted, to give and grant to the said City the right at and after the expiration of the term for which this franchise is granted to purchase the telephone plant, property and equipment within said City used under or in connection with the franchise or right hereby granted, or such part of said property as said City may desire to purchase, at a valuation of the property so desired to be fixed by arbitration as by law provided.

SECTION 16; That, as provided by the Charter of the City of Miami Beach, this ordinance shall not become a law until the same has been approved by a majority of the qualified

voters of the City of Miami Beach, Florida, voting at an election held therefor, the expense of which shall be paid by said Company, but if this ordinance or franchise shall be so approved by a majority of the qualified voters of the City of Miami Beach, voting at an election held therefor, the same shall be in full force and effect in all respects as hereinafter set forth.

SECTION 17. None of the provisions of this franchise shall be construed so as to prohibit the city from exercising its right of forfeiture as provided in Chapter 4052, Section 1, Laws of Florida, 1891.

SECTION 18. That all provisions in this franchise contained shall extend to and be obligatory upon the successors and assigns of the parties hereto.

SECTION 19. That this ordinance shall be in force and effect from and after its passage by the City Council of the City of Miami Beach, Florida, and its approval by the Mayor or the Acting Mayor, or upon its passage without such approval and upon subsequent approval by a majority of the qualified voters of the City of Miami Beach, Florida, voting at an election held therefor, and upon the filing by said Company in the office of the Clerk of said City of Miami Beach its acceptance thereof as hereinbefore provided.

Passed and adopted this 17th day of March, 1920.

W E Norton
President of the City Council.

Attest:

J. H. Canova
City Clerk.

Approved this 17th day of March, 1920.

Thos J. Pancoast
Mayor.

STATE OF FLORIDA }
County of Dade }

Receipt of a copy of the within..... is acknowledged
and service thereof is accepted this..... day of.....
192.....

No. 130

W. S. Inance

Telephone Standard
March 17, 1920

GAUTIER & RILEY

FOR
MIAMI, FLORIDA

THE DREW PRESS, JACKSONVILLE 357686

Edmanee No. 130.

MIAMI BEACH FRANCHISE

TO

SOUTH ATLANTIC TEL. & TEL. COMPANY.

March 17, 1920

LAW OFFICES

SHUTTS, SMITH & BOWEN

MIAMI, FLORIDA

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