

ORDINANCE NO. 272

AN ORDINANCE AMENDING AND MODIFYING ORDINANCE NO. 260 ENTITLED "AN ORDINANCE GRANTING TO CHARLES E. STARR AND C. P. HOLZDERBER, THEIR HEIRS, LEGAL REPRESENTATIVES AND ASSIGNS, THE RIGHT, PRIVILEGE, OR FRANCHISE FOR THE FULL PERIOD OF THIRTY YEARS, TO CONSTRUCT, EQUIP, MAINTAIN AND OPERATE A GAS PLANT AND WORKS, GAS HOLDERS, AND ALL NECESSARY OR DESIRABLE APPURTENANCES FOR THE MANUFACTURE AND/OR STORAGE OF GAS IN THE CITY OF MIAMI BEACH, FLORIDA, AND TO CONSTRUCT, EQUIP, OPERATE AND MAINTAIN, IN, UNDER, UPON, OVER AND ACROSS THE PRESENT AND FUTURE STREETS, AVENUES, ALLEYS, HIGHWAYS, BRIDGES, EASEMENTS, AND OTHER PUBLIC WAYS IN THE CITY OF MIAMI BEACH, FLORIDA, AND ITS SUCCESSORS, GAS MAINS AND SUPPLY PIPES TOGETHER WITH ALL THE NECESSARY OR DESIRABLE APPURTENANCES FOR THE PURPOSE OF CONVEYING, DISTRIBUTING, SUPPLYING AND SELLING GAS TO SAID CITY AND ITS SUCCESSORS, THE INHABITANTS THEREOF, FOR LIGHT, HEAT, POWER AND OTHER PURPOSES, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO, AND INCLUDING AN AGREEMENT BY GRANTEEES TO INDEMNIFY AND HOLD THE SAID CITY, HARMLESS AGAINST ANY AND ALL LIABILITY, LOSS, COST, DAMAGE OR EXPENSE WHICH MAY OCCUR OR ACCRUE BY REASON OF THE NEGLECT, DEFAULT, OR MISCONDUCT OF THE GRANTEEES IN CONNECTION WITH THE EXERCISE OF THEIR RIGHTS HEREUNDER," BY ELIMINATING FROM SAID ORDINANCE NO. 260, ANY REQUIREMENTS THEREUNDER, ON THE PART OF THE GRANTEEES OF THE FRANCHISE THEREIN GRANTED AND/OR THEIR ASSIGNS, TO CONSTRUCT, EQUIP, MAINTAIN AND OPERATE THEIR GAS GENERATING PLANT OR PLANTS, WORKS AND/OR HOLDERS, AND ALL NECESSARY OR DESIRABLE APPURTENANCES FOR THE MANUFACTURE AND/OR STORAGE OF GAS, IN WHOLE OR IN PART, INSIDE OF THE CITY LIMITS OF THE CITY OF MIAMI BEACH, AND PROVIDING THAT IT SHALL BE DEEMED AND HELD A FULL COMPLIANCE BY THE GRANTEEES AND/OR THEIR ASSIGNS, WITH THE TERMS OF SAID ORDINANCE IN THAT REGARD AS THE SAID TERMS ARE AMENDED AND MODIFIED BY THIS ORDINANCE, IF THE SAID GENERATING PLANT OR PLANTS, WORKS AND/OR HOLDERS, AND ALL NECESSARY OR DESIRABLE APPURTENANCES ARE CONSTRUCTED, EQUIPPED, MAINTAINED AND OPERATED ANYWHERE IN DADE COUNTY, FLORIDA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI BEACH, FLORIDA, THAT ORDINANCE NO. 260, DULY APPROVED AND ADOPTED AND ENTITLED "AN ORDINANCE GRANTING TO CHARLES E. STARR AND C. P. HOLZDERBER, THEIR HEIRS, LEGAL REPRESENTATIVES AND ASSIGNS, THE RIGHT, PRIVILEGE, OR FRANCHISE FOR THE FULL PERIOD OF THIRTY YEARS, TO CONSTRUCT, EQUIP, MAINTAIN AND OPERATE A GAS PLANT AND WORKS, GAS HOLDERS, AND ALL NECESSARY OR DESIRABLE APPURTENANCES FOR THE MANUFACTURE AND/OR STORAGE OF GAS IN THE CITY OF MIAMI BEACH, FLORIDA, AND TO CONSTRUCT, EQUIP, OPERATE AND MAINTAIN, IN, UNDER, UPON, OVER AND ACROSS THE PRESENT AND FUTURE STREETS, AVENUES, ALLEYS, HIGHWAYS, BRIDGES, EASEMENTS, AND OTHER PUBLIC WAYS IN THE CITY OF MIAMI BEACH, FLORIDA, AND ITS SUCCESSORS, GAS MAINS AND SUPPLY PIPES TOGETHER WITH ALL THE NECESSARY OR DESIRABLE APPURTENANCES FOR THE PURPOSE OF CONVEYING,

DISTRIBUTING, SUPPLYING AND SELLING GAS TO SAID CITY AND ITS SUCCESSORS, THE INHABITANTS THEREOF, FOR LIGHT, HEAT, POWER AND OTHER PURPOSES, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO, AND INCLUDING AN AGREEMENT BY GRANTEES TO INDEMNIFY AND HOLD THE SAID CITY HARMLESS AGAINST ANY AND ALL LIABILITY, LOSS, COST, DAMAGE OR EXPENSE WHICH MAY OCCUR OR ACCRUE BY REASON OF THE NEGLIGENCE, DEFAULT, OR MISCONDUCT OF THE GRANTEES IN CONNECTION WITH THE EXERCISE OF THEIR RIGHTS HEREUNDER" BE AND THE SAME IS HEREBY AMENDED AND MODIFIED AS FOLLOWS:

SECTION I. That there shall be and is hereby eliminated from the said Ordinance No. 260, any requirement on the part of the Grantees of the franchise therein granted and/or their assigns, to construct, equip, maintain and operate their gas generating plant or plants, works and/or holders, and all necessary or desirable appurtenances for the manufacture and/or storage of gas, in whole or in part, inside of the City limits of the City of Miami Beach, and it shall be deemed and held a full compliance by the said Grantees and/or their assigns with the terms of said Ordinance in that regard, as the said terms are amended and modified by this Ordinance, if the said generating plant or plants, works and/or holders and all necessary or desirable appurtenances are constructed, equipped, maintained and operated anywhere in Dade County, Florida.

SECTION II. That all provisions of the said Ordinance No. 260, inconsistent with the provisions of this Ordinance amending and modifying the same, be and the same are hereby repealed, but except as to the amendment and modification thereof hereby made as aforesaid, the aforesaid Ordinance No. 260 and all of its provisions shall be and remain and continue in full force and effect, and the Grantees thereunder and/or their assigns shall enjoy all the rights and privileges therein and herein granted, and shall be bound except as aforesaid by all the obligations therein and herein imposed.

SECTION III. That this Ordinance, amending and modifying Ordinance No. 260 aforesaid, shall take effect as soon as it shall have been passed by the City Council and approved by the Mayor and approved at an election to be held in the City of Miami Beach, pursuant to the Charter of Miami Beach, and accepted as required herein.

SECTION IV. That the Grantees and/or their assigns, shall file a written acceptance of this amendment and modification of the said Ordinance No. 260 with the Clerk of the City of Miami Beach, Florida, within thirty days after this Ordinance shall have been duly passed and approved by the Mayor of the City of Miami Beach, and upon such acceptance and approval of this Ordinance, at an election to be held in the City of Miami Beach as aforesaid, the aforesaid Ordinance No. 260 and this amendment and modification thereof shall constitute the contract between the City of Miami Beach and the aforesaid Grantees and/or their assigns.

PASSED AND ADOPTED this 3rd day of April, A. D.
1929.

W. Richard Mead
President of City Council
(Pro-tem)



ATTEST:

J. W. Tomlinson
City Clerk

APPROVED by me this 3rd day of April, A. D. 1929.

Louis F. Bridger
Mayor

First Reading March 20, 1929.
Second Reading March 20, 1929.
Third Reading April 3, 1929.
Posted April 3, 1929.

(ORIGINAL)

ORDINANCE NO. 272

Gas Franchise Amendment Ordinance.