

ORDINANCE NO. 73

AN ORDINANCE PROVIDING FOR SUBMITTING TO THE APPROVAL OF THE QUALIFIED ELECTORS RESIDING IN THE CITY OF STILWELL, OKLAHOMA, THE GRANTING TO THE TRUSTEES OF THE NORTHEAST OKLAHOMA PUBLIC FACILITIES AUTHORITY, THEIR SUCCESSORS AND ASSIGNS, FOR A TERM OF TWENTY-FIVE (25) YEARS, OF A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, INSTALL, MAINTAIN AND OPERATE A SYSTEM OF PIPES, EQUIPMENT AND OTHER PHYSICAL FACILITIES IN, UPON, ACROSS AND UNDER THE STREETS, ALLEYS AND OTHER PUBLIC GROUNDS AND WAYS WITHIN THE CITY, FOR THE PURPOSE OF TRANSMITTING, DISTRIBUTING AND SELLING NATURAL GAS, WITH ALL COSTS AND EXPENSES RELATING TO THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF SUCH SYSTEM, INCLUDING THE PAYMENT OF INDEBTEDNESS INCURRED THEREFOR, TO BE DEFRAYED SOLELY FROM THE TRUST ESTATE, AND FOR WHICH THE CITY AND ITS TAXPAYERS SHALL IN NO MANNER WHATSOEVER BE LIABLE OR OBLIGATED AND FOR WHICH NO TAXES SHALL BE LEVIED, BUT PROVIDING FOR PAYMENT TO THE CITY OF A SPECIFIED PORTION OF THE GROSS RECEIPTS FROM THE OPERATION OF SUCH SYSTEM, AND OTHER BENEFITS TO THE CITY, ALL AS PROVIDED IN PROPOSED FRANCHISE ORDINANCE NO. 74 OF SAID CITY; AND DECLARING AN EMERGENCY.

WHEREAS, there heretofore has been created pursuant to law a public trust under the name of "The Northeast Oklahoma Public Facilities Authority", for the purpose of providing and furnishing natural gas within an area of the State of Oklahoma wherein is located the City of Stilwell; and

WHEREAS, the Trustees of said Trust propose to install, construct, maintain and operate a natural gas transmission and distribution system in said area, with all costs and expenses relating to the construction, installation, maintenance and operation of such system, including the payment of all indebtedness incurred therefor, to be defrayed solely from the trust estate without any obligation or liability whatsoever being incurred by any municipality, or the taxpayers thereof, served by said system; and

WHEREAS, there has been introduced a proposed Ordinance No. 74 for the granting of a franchise to the Trustees of the Northeast Oklahoma Public Facilities Authority, in accordance with the provisions of the Constitution of the State of Oklahoma and the City Charter of said City;

**BE IT ORDAINED BY HE MAYOR AND COUNCILMEN OF THE CITY OF STILWELL, OKLAHOMA:**

SECTION 1. There shall be held in the City of Stilwell, Oklahoma, on the 23rd day of February, 1971, between the hours of seven o'clock a.m. and seven o'clock p.m., a special election for the purpose of submitting to all qualified electors residing within the corporate limits of said City, the following proposition:

SHALL A NON-EXCLUSIVE FRANCHISE BE GRANTED TO THE TRUSTEES OF THE NORTHEAST OKLAHOMA PUBLIC FACILITIES AUTHORITY, THEIR SUCCESSORS AND ASSIGNS, FOR A TERM OF TWENTY-FIVE (25) YEARS FROM AND AFTER THE 23RD DAY OF FEBRUARY, 1971, OF THE RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, INSTALL, MAINTAIN AND OPERATE A SYSTEM OF PIPES, EQUIPMENT AND OTHER PHYSICAL FACILITIES IN, UPON, ACROSS AND UNDER CERTAIN STREETS, ALLEYS AND OTHER PUBLIC GROUNDS AND WAYS WITHIN THE CITY, DESIGNATED IN PROPOSED ORDINANCE NO. 74 OF SAID CITY AS INTRODUCED AND ON FILE WITH THE CITY CLERK, FOR THE PURPOSE OF TRANSMITTING, DISTRIBUTING AND SELLING NATURAL GAS, WITH ALL COSTS AND EXPENSES RELATING TO THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF SUCH SYSTEM, INCLUDING THE PAYMENT OF ALL INDEBTEDNESS INCURRED THEREFOR, TO BE DEFRAYED SOLELY FROM THE TRUST ESTATE AND FOR WHICH THE CITY OF STILWELL AND ITS TAXPAYERS SHALL IN NO MANNER WHATSOEVER BE LIABLE OR OBLIGATED AND FOR WHICH NO TAXES SHALL BE LEVIED, BUT PROVIDING FOR PAYMENT TO THE CITY OF A SPECIFIED PORTION OF THE GROSS RECEIPTS FROM THE OPERATION OF SAID SYSTEM, AND OTHER BENEFITS TO THE CITY, ALL AS PROVIDED IN THE AFORESAID PROPOSED ORDINANCE NO. 74 AS INTRODUCED AND

PUBLISHED AS PROVIDED IN THE CITY CHARTER OF SAID CITY?

SECTION 2. The Mayor hereby is authorized and directed to cause notice of the holding of said special election to be published for not less than thirty (30) days prior to the holding thereof, and to take all steps necessary to the holding of such election, including the designation of polling places, appointment of precinct officials, and arranging for canvassing of the election returns by the County Election Board of Adair County, Oklahoma.

SECTION 3. Publication hereby is directed to be made of the above-mentioned proposed Ordinance No. 74 once each week for three consecutive weeks in a newspaper published and of general circulation in the City.

SECTION 4. It hereby is declared that a public emergency exists by reason of immediate need to provide at the earliest possible date the facilities and services proposed to be furnished by the Trustees of The Northeast Oklahoma Public Facilities Authority for the immediate preservation of the public health and safety; wherefore, this Ordinance shall become effective immediately upon its adoption. Publication of this Ordinance as by law provided hereby is directed.

PASSED and APPROVED this 18th day of January, 1971.

Harold Moten  
Mayor

(Seal)

ATTEST: D.B. GAINS  
City Clerk

I, the undersigned, duly qualified and acting City Clerk of the City of Stilwell, Oklahoma, hereby certify that the foregoing constitutes a correct and complete copy of Ordinance No. 73 of said City, as the same appears of record in my office as a part of the official records thereof.

WITNESS my hand and the seal of said City this 19th day of January, 1971.

(Seal)

D.B.GAINS, City Clerk  
City of Stilwell, Oklahoma

(Published in the Stilwell Democrat-Journal, January 21, 1971)