

## FORD CITY BOROUGH

ORDINANCE NO. 339

## AN ORDINANCE

GRANTING UNTO WEST PENN POWER COMPANY, ITS SUCCESSORS, LESSEES AND ASSIGNS, THE RIGHT TO ENTER UPON, USE AND OCCUPY CERTAIN PUBLIC STREETS, ALLEYS, LANES, WAYS AND PUBLIC PLACES IN THE BOROUGH OF FORD CITY, COUNTY OF ARMSTRONG, AND STATE OF PENNSYLVANIA, FOR THE PURPOSE OF ERECTING, MAINTAINING AND OPERATING A TEMPORARY ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEM IN AND THROUGH THE BOROUGH, FOR THE PURPOSE OF FURNISHING LIGHT, HEAT AND POWER AT THE INDUSTRIAL PLANT SITE OF THE ELJER COMPANY DURING THE PERIOD OF CONSTRUCTION OF ADDITIONS TO THE ELJER MANUFACTURING PLANT.

WHEREAS, the Borough of Ford City, Armstrong County, Pennsylvania, by Ordinance #268 regularly enacted on February 7, 1951, granted to the West Penn Power Company, its successors, lessees and assigns, the right to enter upon, use and occupy certain public streets, alleys, lanes, ways and public places in the Borough of Ford City for the purpose of erecting, maintaining and operating an electric transmission and distribution system in and through the Borough for the purpose of furnishing light, heat and power at the industrial plant site of the Eljer Company; and

WHEREAS, as provided in Ordinance #268, the pole line for the above mentioned transmission and distribution system proceeds southwardly along Railroad Avenue from 15th Street to a point near 13th Street where the Eljer Company receives electric service; and

WHEREAS, the said Eljer Company is now making extensions and additions to its manufacturing plant, construction work on which will interfere with the safe maintenance of the above mentioned pole line along Railroad Avenue during the time that this construction work is in progress; and

WHEREAS, the Borough of Ford City, in order to insure continuous operation of the Eljer Company manufacturing plant, is desirous of doing everything possible to help avoid interruption of electric service to the Eljer Company during the time that the new addition to its plant is being constructed.

NOW THEREFORE be it ordained and enacted by the Borough Council of the Borough of Ford City, County of Armstrong, State of Pennsylvania, and it is hereby ordained and enacted by the authority of the same that:

SECTION 1. The Borough of Ford City (hereinafter called "Borough") hereby grants to West Penn Power Company (hereinafter called "Company"), a corporation of the Commonwealth of Pennsylvania, its successors, lessees and assigns, the right and privilege to erect, construct, maintain and operate in, upon and under certain streets, alleys, lanes, ways and public places in the Borough, a temporary pole line system of poles, guys, wires, transformers and any and all other apparatus and materials necessary, needful, useful and convenient in the transmission and distribution of electricity for the purpose of furnishing light, heat and power to the plant site of the Eljer Company during the time that construction work is in progress on the extensions and additions to the Eljer Company's manufacturing plant.

The said temporary pole line system shall proceed from 15th Street southwardly to 13th Street along a route parallel to and east of the Pennsylvania Railroad tracks and shall then cross these tracks at a point at or near 13th Street. The pole line will then continue to a point opposite, or within the Eljer Company property, where it is most advantageous to the Eljer Company to receive service.

SECTION 2. The right and privilege to continue this said temporary pole line system shall terminate three months after the Eljer Company shall start production in its new addition.

SECTION 3. The Company shall file with the Secretary of the Borough a duly executed acceptance of the terms and provisions of this Ordinance within thirty (30) days after its enactment.

SECTION 4. This Ordinance shall take effect at the expiration of thirty (30) days from the date when a copy thereof shall be filed in the office of the Secretary of the Pennsylvania Public Utility Commission; Provided, that if the said Commission shall, prior to the expiration of such period, institute a proceeding affecting its validity under the provisions of Section 911, Article IX of the Public Utility Law, this Ordinance shall become effective only upon the approval thereof by the said Commission.

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SECTION 5. The Company shall pay the costs of publishing and advertising this Ordinance and of filing it with the Pennsylvania Public Utility Commission as provided by law.

SECTION 6. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they affect this Ordinance; Provided, however, that nothing in this Ordinance shall be deemed or construed to interfere with or repeal any of the rights and privileges granted by the Borough to the Company under the provisions of Ordinance #268 enacted by Borough Council on February 7, 1951.

ORDAINED AND ENACTED INTO AN ORDINANCE and executed in triplicate this 11th day of October 1955.

ATTEST:

Mary Anolik  
Secretary of Council

Theodore Claypool  
President of Council

EXAMINED AND APPROVED by me this 14th day of October 1955.

Wm. L. S.  
Burgess