

WASHINGTON PARISH COUNCIL
ORDINANCE NO. 03-339

Introduced on March 22, 2004
Introduced by Councilman Nassauer
Public hearing held on April 5, 2004

An ordinance granting a franchise to Entergy Louisiana, Inc. (formerly Louisiana Power & Light) to supply electric power and energy throughout the Parish of Washington, Louisiana for a period of fifty (50) years

Granting to Entergy Louisiana, Inc. (formerly Louisiana Power & Light Company), its Successors and assigns, the franchise, right and privilege, for a period of fifty (50) years from the date of the adoption hereof, to supply, in such manner as it deems best, electric power and energy throughout the Parish of Washington, Louisiana, and to the inhabitants thereof, or to any person, firm or corporation, and the right to; acquire, construct, operate, and maintain such plants, structures, transmission lines, distribution systems, and equipment as may be useful or necessary for the generation, production, transportation, distribution, and/or sale of electric power and energy throughout the Parish of Washington, Louisiana and the right to erect, operate, and maintain poles, masts, supports, wires, cables, transmission lines, conduits, conductors, substations distribution and/or sale of electric power and energy on, over, under, along, upon and across all of the present and/or future streets, roads, highways, alleys and public places of the Parish of Washington, Louisiana, not within the limits of any incorporated city, town or village, and the right to repair, replace or remove same, or any portion thereof, and the right to connect any such transmission line or distribution system to any other transmission line or distribution system for the purpose of transporting electric power and energy into, through or beyond boundaries of the Parish.

SECTION 1. Be it ordained by the Parish Council of the Parish of Washington, Louisiana in regular session duly convened, that the Parish of Washington, Louisiana, hereinafter called the "Parish" grants and there is hereby granted to; Entergy Louisiana, Inc., its successors and assigns, hereinafter called "Company" in addition to the rights and privileges presently in effect and enjoyed by the Company, a franchise, right and privilege, from date of the adoption hereof, to supply electric power and energy throughout the Parish, and to the inhabitants thereof, or any person, firm or corporation, in such manner and from such sources as the said Company deems best, and the right to acquire, construct, operate and maintain such plants, structures, transmission lines, distribution systems and equipment as may be useful or necessary for the generation, production, transportation, distribution, and/or sale of electric power and

energy throughout the Parish, and the right to erect, operate, and maintain poles, masts, supports, wires, cables, transmission lines, conduits, conductors, substations, distribution systems, and any and all other appliances useful or necessary for the transportation and/or distribution and/or sale of electric power and energy on, over, under, along, upon, and across all of the present and/or future streets, roads, highways, alleys, and public places of the Parish, not within the limits of any incorporated city, town or village, and the right to repair, replace, or remove same, or any portion thereof, and the right to connect any such transmission line of distribution system to any other transmission line or distribution system for the purpose of transporting electric power and energy into, through, or beyond the boundaries of the Parish.

SECTION 2. Be it further ordained, etc., that this Franchise is granted upon and subject to the following provisions:

1. This Franchise, so far as it applies to the use of any state highway for the purposes herein specified, shall be without effect without the written consent and approval of the Louisiana State Highway Engineer, and no work shall be undertaken by the Company on any state highway without the written consent of the State Highway Engineer in accordance with the provisions of revised statute 33:4362.

2. In maintaining its properties the Company shall not unnecessarily or unreasonably impair or obstruct the streets, roads, highways, alleys, sidewalks, and public grounds, and the Company shall, at its own expense, without unreasonable delay, make all necessary repairs to remedy any damage or remove any obstruction caused by its operations hereunder.

3. The Company shall use reasonable precautions to avoid damage or injury to persons or property, and shall hold and save harmless the parish from all damages, losses, or expense caused by the negligence of the Company, its agents or employees, while exercising any of the rights herein granted.

SECTION 3. Be it further ordained, etc., that the Parish shall make, adopt, and enforce all ordinances necessary to protect the property and property rights of the Company owned and operated under this Franchise, and the Parish will not in any way interfere with the full legal use by the Company of the property which it now maintains or may hereafter maintain in the Parish.

SECTION 4. Be it further ordained, etc., that this Ordinance, the public health and welfare and the public necessity requiring it, shall take effect from and after its adoption. Notwithstanding the foregoing, the Company shall file with the Parish the Company's written acceptance of this Ordinance not later than thirty (30) days from the date of its passage.

SECTION 5. Be it further ordained, etc., that this Franchise shall be for a period of fifty (50) years from the date hereof, and upon exercise by the Company of any of the privileges granted by this Franchise, it shall be irrevocable.

SECTION 6. Be it further ordained, etc., that nothing in this Franchise shall be construed as superseding, repealing, canceling, modifying, or in any way affecting any of the rights enjoyed by Entergy Louisiana, Inc., under that certain franchise granted by the Ordinance adopted by the Police Jury on the 12th day of October, 1955, and said franchise is hereby recognized as continuing in full force and effect in accordance with its terms. However, in the event of a conflict between said franchise and this Franchise, the provisions of this Franchise shall be controlling.

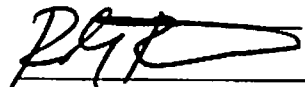
Having been submitted for a vote, the vote thereon resulted as follows:

YEAS: 7 (Wheat, Miley, Nassauer, Brown, Sumrall, Thomas and Sharp)

NAYS: 0 (None)

ABSENT: 0 (None)

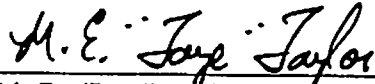
The ordinance was declared adopted on the 5 day of April, 2004.



Rodney Brown, Chairman
Washington Parish Council

Delivered to the Parish President on
April 5, 2004 at 6:35 p.m.

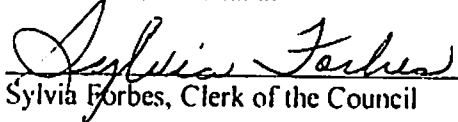
Returned to the Clerk of the Council on
April 5, 2004 at 6:36 p.m.



M. E. "Toye" Taylor, Parish President
Washington Parish Government

Certification

I hereby certify that the above and foregoing is a true and correct copy of an ordinance adopted by the Washington Parish Council duly convened in regular session on Monday April 5, 2004 in Franklinton, Louisiana.



Sylvia Forbes, Clerk of the Council