

AN ORDINANCE

For the erection of Water Works in the City of Kansas.

Be it ordained by the Common Council of the City of Kansas:

SECTION 1. The City of Kansas and the Kansas City Water Works Company, a corporation organized under and pursuant to the statute of the State of Missouri, in such cases made and provided, do make and enter into an agreement for the building of Water Works, on the terms, conditions, and stipulations contained in the following sections of this ordinance.

Sec. 2. The City of Kansas hereby grants to said Water Works Company, the right and privilege of erecting and maintaining water works to supply said city with water and for such purpose the right to convey into, and through the City, water for the supply of its inhabitants and the City in the manner, and on the terms hereinafter specified. And for such purpose, said Company is hereby granted the right to lay pipes, construct reservoirs, or stand pipes, wells and aqueducts, and to erect and maintain all necessary buildings, machinery and attachments of any description necessary, proper and suitable for such works, and the receiving, taking, purifying, holding, storing, conducting and distributing water for the aforesaid purpose, in and through the City, and the right for such purposes to enter upon any street, road, alley, railroad track or grounds held for public use, and under the control of the City as fully as the City itself or could do if erecting said water works itself. And the right to lay and keep and maintain pipes below the surface of such streets and grounds, for conducting and distributing water as aforesaid. The City of Kansas shall also furnish said Water Works Company free of cost and taxation, all the real estate requisite and necessary for reservoirs, stand pipes, wells, aqueducts, buildings, machinery, and the right of way necessary for all pipes and aqueducts needed in the securing, holding and distributing the water to supply said City and the inhabitants thereof.

Sec. 3. The said Kansas City Water Works Company agrees and undertakes the erection and maintenance of a first class system of Water Works, efficient in every respect, and amply adequate for the present wants of the city, and susceptible of enlargement without any material remodeling to meet an increase in population of from seventy-five to one hundred thousand inhabitants. The water to be taken from the Missouri river, and to be well settled at least twelve miles of pipe to be laid if necessary, and as fast as the streets are in condition to receive it and permit its laying, and two hundred hydrants provided. A such number is deemed requisite on the streets through which the pipe may be laid, the use of said hydrants to be forever free to the city for fire and other public use, and to be kept in good condition so as to be serviceable at all times. Said Water Works Company to submit to such Board of Water Commissioners as may be appointed or elected, and to the Common Council of said city, a detailed statement of the character, plans and specifications of the works to be erected, and said plans and specifications are to be approved before work is commenced thereon. And if this ordinance is adopted and the plans as furnished are approved by said city, then said company is to commence work thereon in ninety days after such approval, and to complete the construction of said works in twenty months thereafter. The work to be done to the acceptance of the Board of Water Commissioners that may be appointed, or the City Engineer; the inspection and acceptance of the work to be had as fast as any portions of it may be ready, and of pipes before the same are covered up. The hydrants to be placed at such points or places on the lines of pipes as the city may direct. Any additional number of hydrants that may be required by the city to be furnished by the company at such rates as may be agreed upon between it and the city. The price charged for water furnished the inhabitants of the city shall not be higher than the average rates of any other four cities of the United States, having works of equal capacity, and on the same plan, and of like topography. The said Water Works Company, in laying its pipes through or across any street or streets of the city shall obstruct said streets as little as possible, and restore them to as good condition as they were in before any excavation was made, as speedily as practicable. All the fire hydrants shall be under the control of the city and free to its use for all public purposes; but said city shall not permit any unnecessary waste or consumption of water, and said city shall make such needful rules and pass such ordinances or ordinances as may be requisite and proper to prevent such waste of water, and to prevent and punish all wilful damage and injury to said hydrants or any part of said water-works. And said Water Works Company shall, at all times, keep said works in good repair and working condition, and furnish a supply of good, well settled water, equal to the public and private demands and wants of said city upon all streets that are graded and in a suitable condition for the reception and laying of pipes thereon, and to lay as many miles of pipes as may be needed to furnish a sufficient supply of water for the use of the city and the inhabitants thereof, during the continuance of the purchase.

Sec. 4. Said Kansas City Water Works Company hereby stipulates and agrees to sell and convey said Water Works at any time to the city of Kansas should it desire to purchase, own and operate the same, at cost, and ten per cent. on the cost price of the construction of said works, and for the purpose of ascertaining and determining the price it shall be the duty of said company to keep a full and accurate account of all sums expended in the construction of said works, and an accurate interest account; and the books of the company shall be open to the inspection of the Board of Water Commissioners of said city for the purpose of ascertaining the cost of constructing said works, and a statement of cost verified by oath of the proper officers of the company shall be furnished if required.

Sec. 5. And in consideration of the Water Works Company erecting, maintaining, and operating the aforesaid Water Works, and supplying said city with hydrants, as aforesaid, and water for public use, as aforesaid, the said city stipulates, contracts and agrees that it will pay said company the sum of sixty thousand dollars per annum, free from all taxation and cost of maintaining and operating said works; and in payment of said sum of sixty thousand dollars, all the net earnings over and above the legitimate and proper cost of operating said works, upon an economical basis, resulting from water rents is to be credited and deducted, and said city is only to pay said deficiency after deducting all the net earnings of the works that may remain, to make up said sum of sixty thousand dollars, free from all cost of operating, and assessments and taxation, as aforesaid. And whenever the net earnings of said works, from water rents, amounts to said sum of sixty thousand dollars per annum, as aforesaid, then said city is to pay nothing, and is to have the free use of two hundred hydrants for public use, as aforesaid. And for the purpose of paying said sum of sixty thousand dollars per annum, which is to be payable yearly from and after the completion of said works, and the time of commencing to operate the same is to be considered the time of completion for the purpose of the commencement of said payment. Said city hereby binds and obligates itself to levy a water tax pursuant to the powers and provisions of its amended charter, and to yearly cause the same to be collected and kept separate from its other taxes, and to be held and applied solely to the payment of said sum of sixty thousand dollars aforesaid, sufficient to pay off and liquidate the same, and to pay the same to the treasurer of said company, annually. And for the purpose of ascertaining the net earnings of said company, full and accurate accounts are to be kept by said company, of the costs of operating said works, and of all the earnings thereof; and the Board of Water Commissioners of said city are to have free access at all business hours to the books of the company for ascertaining the same. For all real estate which, under the provisions aforesaid, the city is to furnish, it shall execute to the company a good and sufficient deed or deeds of general warranty, and to provide such real estate as soon as required by said company, to enable it to commence and carry on the work of constructing said works, except the right of way, in which said company is only to have an easement for the purpose of putting down, repairing and maintaining their pipes.

Sec. 6. The contract, and rights granted, made and given by the various provisions of this ordinance, shall remain and continue for the term of twenty years from the time this ordinance is so may be ratified, and approved by a vote of the legal and qualified voters of the City of Kansas, in the manner provided and required by the amended charter; unless sooner determined by the purchase of said works by city in the manner herein before provided in this ordinance and contract; and at the end of twenty years if the works are not purchased by the city, then this contract and grant is to be renewed for twenty years longer, on such terms as may be just and equitable. This ordinance is to be submitted to the qualified voters of the city, at the general election to be held on the 8th day of April, 1873, for their approval or rejection in the manner provided by the amendment to the City Charter, and the provisions of the Charter, ordinances and by-laws of said city, and is to become binding upon the parties thereto from and after the time of its approval as aforesaid and taking effect as an ordinance.

Approved April 1, 1873.

L. H. HUNT, Mayor.

Attest: J. KENNEDY, City Clerk.