

**96.060 Third-class city may grant rights of way to utilities -- Conditions.**

- (1) The legislative body of any city of the third class may, by ordinance, grant the right of way in streets, alleys and public grounds of the city to any railway, street railway, gas, water, steam heating, telephone or electric light or power company for a term not exceeding twenty (20) years. Before granting such privilege, the city shall, after advertising by publication pursuant to KRS Chapter 424, receive bids publicly, and award the privilege to the highest and best bidder, having the right to reject any and all bids.
- (2) The city shall reserve the right to regulate and control the tracks, pipes and wires of such companies, and the public ways in which they are laid or constructed, and shall reserve the right to require any such company to conform to any changed grades of the streets and public grounds, to pay the cost of improving between its rails and for a reasonable distance on either side of its rails, to make culverts beneath them for the free flow of water, to change its rails, or mode of construction or operation, to suit public convenience, to raise or lower its pipes, or to take down its wires and lay them underground, as the public good requires.
- (3) The city shall not be liable for the cost or damage occasioned by such changes, or for any damage for delay in the operation of the business of any such company occasioned by any street improvement or repairs, or the constructing, bursting or repairing of any sewer or pipe in or across any street, alley or public ground, or for injury by any mob or other violence.
- (4) All such grants shall expire and become voidable, at the option of the city, although a consideration has been paid, unless a bona fide organization has taken place and business has been commenced and prosecuted under the grant in good faith within one (1) year from the date of the grant. The legislative body may impose other conditions and terms in addition to and not inconsistent with those enumerated in this section. The provisions in this section as to advertisements and bids, and limitation of the grant to twenty (20) years, shall not apply to the grant of the right of way to a trunk railway.

**History:** Amended 1966 Ky. Acts ch. 239, sec. 89. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 3290, 3290-35.