

ORDINANCE NO. 310.27

**ORDINANCE AUTHORIZING A LIGHTING
AGREEMENT BETWEEN WARREN RURAL ELECTRIC
COOPERATIVE CORPORATION AND THE OWNERS OF PROPERTY
IN WINDSOR PARK SECTION 3, PHASE 1**

WHEREAS, Simpson Fiscal Court by Ordinance No. 310.20 Enacted a Street Lighting Ordinance which provided for construction, operation, and payment for street lighting Systems in County Subdivisions; and

WHEREAS, under said Ordinance it is required that Warren Rural Electric Cooperative Corporation and property owners in subdivisions requesting street lights enter into an agreement to be approved by Simpson Fiscal Court pursuant to the terms and provisions of Simpson County Ordinance No. 310.20; and,

WHEREAS, an agreement has been entered into by and between the owners of and Warren Rural Electric Cooperative Corporation providing for street lighting services commencing on the 30th day of June, 2024.

NOW, THEREFORE, BE IT ORDAINED by the Simpson Fiscal Court of Simpson County, Kentucky, that certain agreements entered into by and between the property owner(s) in Windsor Park Section 3, Phase I and Warren Rural Electric Cooperative Corporation is hereby ratified and approved pursuant to the provisions of Ordinance No. 310.20, and a street lighting district for said subdivision is hereby created and established.

March 19, 2024

FIRST READING

April 16, 2024

SECOND READING

At a meeting of the Fiscal Court of the County of Simpson, Kentucky, held on April 16, 2024, on motion made by Magistrate Scott Poston and seconded by Magistrate Myron Thurman, the foregoing ordinance was adopted, after full discussion, by the following vote:


YES JEFFREY BURR
YES MARTY CHANDLER
YES SCOTT POSTON
YES MYRON THURMAN
YES MASON BARNES, COUNTY JUDGE EXECUTIVE

APPROVED BY:



MASON BARNES, County Judge Executive

ATTEST:



Pam Rohrs, Clerk
Simpson County Fiscal Court

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

SUBDIVISION LIGHTING AGREEMENT

This agreement made and entered into this 28th Day of February, 2023 , by and between Warren Rural Electric Cooperative Corporation, party of the first part, hereinafter referred to as the "Cooperative"; and Windsor Park Section 3 Phase 1, party(s) of the second part, hereinafter referred to as the "Customer."

WITNESSETH: That in consideration of the mutual covenants and agreements herein contained, the parties hereto for themselves, their heirs, successors, and assigns, have mutually agreed as follows:

FIRST: When signed by the Customer, by an authorized representative of the Cooperative, and approved by Simpson County Fiscal Court, this agreement shall become a contract under which the Cooperative agrees to furnish the street lighting service as provided in paragraph FOURTH to the customer, and the Customer agrees to receive and pay for said service in accordance with the terms set forth in Simpson County Ordinance 310.2.

The Cooperative shall continue street lighting services to the customer in accordance with Ordinance 310.2, VI, 2; and lighting service shall not be terminated without authorization from Simpson County Fiscal Court. The street lighting charges shall comply with current regulations and rate schedules governing the Cooperative and on file in the office of the Cooperative, and the Tennessee Valley Authority having jurisdiction over the Cooperative. These regulations and rate schedules are hereby made a part of this contract as effectually as if fully set forth herein and the same may be modified from time to time.*

SECOND: The Cooperative will provide street lighting service as provided in paragraph FOURTH, but in the event that said service shall wholly or partially be interrupted or suspended, or fail by reason of lamps burning out or being broken, or by reason of any cause reasonably beyond the control of the Cooperative and not attributed to its neglect, or in the event the Cooperative shall deem it necessary to suspend said service for the purpose of inspecting its lines, substations, and other apparatuses, making repairs or alterations thereon or connection therewith; then, and in any such event, the Cooperative shall not be obligated to provide said service during such period of interruptions, suspension, or failure, and shall not be liable for any damage or loss resulting therefrom provided that the Cooperative will replace burned out lamps and otherwise maintain the fixtures during regular working hours as soon as practicable following notification by the Customer or others of the necessity.

THIRD: The Cooperative will begin to provide the street lighting service to the Customer as provided in paragraph FOURTH on the 30th day of June, 2024, but is contingent upon the Primary Distribution Facilities being constructed. In affiliation with the Primary Facility installation, transformer units, though designed to service a particular light location, will not be installed until related home construction for the adjacent lots begins. Initial payment for street lighting service is to be received by the Cooperative on or before the date set forth above. The amount of \$5,741.08 will cover the prorated maintenance, and electric energy costs through December 31st, 2024. Should the required infrastructure not be installed and/or be in need of repair by October 1, 2024, the Cooperative shall contract the installation and/or repairs at Customer's expense. These costs shall be added to the initial street light assessment and paid directly to the Cooperative. Successive annual street lighting assessments of \$135.64** per lot shall be due the January 1st, 2025, and each year thereafter as provided in paragraph FIRST. Additionally a \$1,500.00 dollar refundable charge is required for each transformer serving lighting only and is refund eligible when a permanent

residence's electric service is connected from said transformer within 5 years.

The subsequent street lighting assessments due the Cooperative shall be added to the Simpson County property tax bills within the Street Lighting District, and said charges shall be apportioned equally for each lot within the boundaries of the Street Lighting District. Changes in the number of lots, within the Street Lighting District whether by lot consolidation or division, will affect the apportioned share for each lot commencing the next annual street lighting assessment.

FOURTH: The street lighting system to be furnished by the Cooperative under the terms and conditions of this contract is as follows:

<u>20</u>	70-watt LED fixtures, or suitable replacements
<u>20</u>	Fiberglass Poles
<u>836'</u>	Feet 12/2 Conductor

Subsequent Street Lighting Assessment:

Annual Facilities	<u>\$5,629.77</u>
Annual Energy Charge	<u>\$489.84</u>
Subtotal	<u>\$6,119.61</u>
Sheriff's Fee (8.61%)	<u>\$526.90</u>
Total Annual Cost	<u>\$6,646.51</u>
Annual Cost Per Lot	<u>\$135.64</u>

*Subject to change per kwh as shown on effective rate schedule, Article VI of Simpson County Ordinance 310.2.


** Costs include state and local taxes, plus sheriff's fees applicable to this subdivision.

REFER TO EXHIBIT A (attached) FOR:
 Subdivision Plat
 Number of Lots
 Location of Street Lights
 Date recorded in Simpson County Court
 House - Office of County Clerk
 Plat Book and Page Number

REFER TO EXHIBIT B FOR:
 Petition

IN TESTIMONY WHEREOF witness the signatures below on the date first above entered.

Windsor Park Section 3 Phase 1

By: 
Jody Allen, Authorized Agent

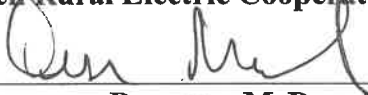
COMMONWEALTH OF KENTUCKY
COUNTY OF SIMPSON

I, the undersigned, a Notary Public in and for the Commonwealth and County aforesaid, do hereby certify that the foregoing contract was executed before me by **Jody Allen**, the authorized agent for **Windsor Park Section 3 Phase 1**, and acknowledged to be his/her free act and deed and that all statements contained therein are true and correct as of this 28th day of February, 2024.


Notary Public
Kentucky State-at-Large

My Commission Expires: 1-19-27

Warren Rural Electric Cooperative Corporation

By: 
Dewayne McDonald, Authorized Agent

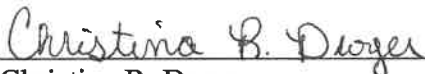
COMMONWEALTH OF KENTUCKY
COUNTY OF SIMPSON

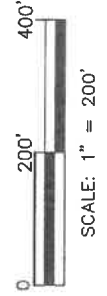
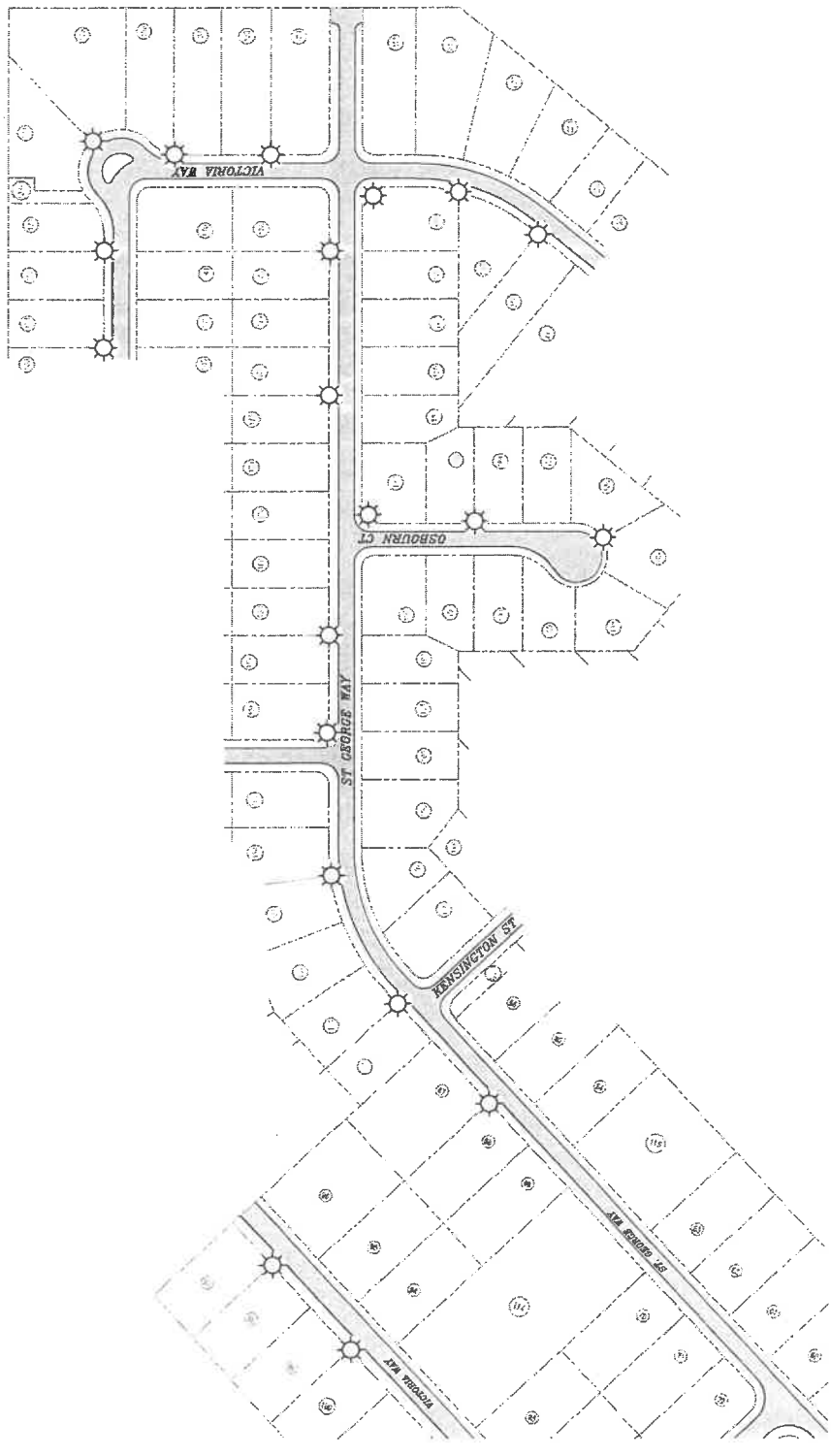
I, the undersigned, a Notary Public in and for the Commonwealth and County aforesaid, do hereby certify that the foregoing contract was executed before me by **Dewayne McDonald**, the authorized agent for Warren Rural Electric Cooperative Corporation and acknowledged to be his/her free act and deed and that all statements contained therein are true and correct as of this 28th day of February, 2024.


Notary Public
Kentucky State-at-Large

My Commission Expires: 1-19-27

This document prepared by: Warren Rural Electric Cooperative Corporation
Post Office Box 1118, Bowling Green, KY 42102


Christina R. Dwyer



**WINDSOR PARK
SECTION 3 PHASE 1
SUBDIVISION**
50 LOTS
(#133-140, 160-198,
218-219,) EXHIBIT "A"

BOOK CAB:	6
PAGE NO.:	48
DATE:	

⚙️ PROPOSED SINGLE STREET LIGHT & POLE

Petition for Existing Subdivision - Exhibit B

We, the undersigned, all being the legal property owners of lots comprising at least 75 percent of the platted lots within the Subdivision legally titled **Windsor Park Section 3 Phase 1** as recorded in the office of the Simpson County Clerk, Plat Book **CAB6**, Pages **48-50**, do hereby petition the Simpson County Fiscal Court in accordance with Simpson County Ordinance 310.2 to create a street lighting district for the placement of street lights throughout our subdivision section.

We understand the scheduled completion date of the lighting project is **June 30, 2024**; the initial street lighting assessment (including the required transformer installation) will be **\$5,741.08** for **6** months street lighting service to be paid directly to the serving utility. The subsequent street lighting assessments will be on an annual basis and included in the property tax statement beginning **January 1st, 2025**.

We grant the serving utility the right of ingress and egress to install, maintain, or upgrade, the street lighting facilities within the easement described by Exhibit A.

We also understand that each lot counts as only one vote, regardless of the number of owners, and those who refuse to sign or do not sign will be determined "no" votes. If both husband and wife are joint legal owners, both signatures are required. (A "Mr." and "Mrs." Signature is not acceptable.)

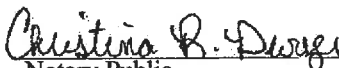
We further understand and agree that my signature on this petition indicates I have read and fully understand all information contained in or referred to in this document, and once submitted it shall become final.

We also agree and authorize by a "yes" vote (only if a minimum of 75 percent "**38 of 49 lots**" vote "yes" for the street lighting service) on the Petition Signature List that **Jody Allen** is our authorized agent and authorize him to sign the street lighting agreement. This Authorization is limited to this act, and if less than 75 percent vote "yes", this authorization is null and void.

Signature: 
Jody Allen, Authorized Agent for Windsor Park Section 3 Phase 1

COMMONWEALTH OF KENTUCKY
COUNTY OF WARREN

I, the undersigned, a Notary Public in and for the Commonwealth and County aforesaid, do hereby certify that the foregoing contract was executed before me by Jody Allen, the authorized agent for Windsor Park Section 3 Phase 1, and acknowledged to be his/her free act and deed and that all statements contained therein are true and correct 28th February 24.


Notary Public
Kentucky State-at-Large KYNP6520

1-19-27
My Commission Expires

Warren County
SUBDIVISION LIGHTING PROGRAM
Petition Signature List

SUBDIVISION: Windsor Park - Section 3 PHASE NO. 1

(Lot # must be filled in below for verification and your voting preference circled.)

TMAG PROPERTIES
Print Name - First, Last
[Signature]
Signature

Lot #
133

Yes
No

[Signature]
Notary Public
7-19-2025
My Commission Expires

RUSHING BULDERS
Print Name - First, Last
[Signature]
Signature

Lot #
134

Yes
No

[Signature]
Notary Public
7-19-2025
My Commission Expires

ABKF
Print Name - First, Last
[Signature]
Signature

Lot #
135

Yes
No

[Signature]
Notary Public
7-19-2025
My Commission Expires

CAV PROPERTIES
Print Name - First, Last
[Signature]
Signature

Lot #
136

Yes
No

[Signature]
Notary Public
7-19-2025
My Commission Expires

SJV PROPERTIES
Print Name - First, Last
[Signature]
Signature

Lot #
137

Yes
No

[Signature]
Notary Public
7-19-2025
My Commission Expires

BAB PROPERTIES
Print Name - First, Last
[Signature]
Signature

Lot #
138

Yes
No

[Signature]
Notary Public
7-19-2025
My Commission Expires

AMP PROPERTIES
Print Name - First, Last
[Signature]
Signature

Lot #
139

Yes
No

[Signature]
Notary Public
7-19-2025
My Commission Expires

CAV PROPERTIES
Print Name - First, Last
[Signature]
Signature

Lot #
140

Yes
No

[Signature]
Notary Public
7-19-2025
My Commission Expires

Warren County
SUBDIVISION LIGHTING PROGRAM
Petition Signature List

PHASE NO.
1

SUBDIVISION: Windsor Park - Section 3

(Lot # must be filled in below for verification and your voting preference circled.)

Print Name - First, Last **Lot #** 160 **Yes** / **No** _____
Notary Public

Signature _____
My Commission Expires

Print Name - First, Last **Lot #** 161 **Yes** / **No** _____
Notary Public

Signature _____
My Commission Expires

NPG PROPERTIES
Print Name - First, Last **Lot #** 162 **Yes** / **No** _____
Notary Public

Yuan Day
Signature _____
My Commission Expires 7-19-2025

SAAB
Print Name - First, Last **Lot #** 163 **Yes** / **No** _____
Notary Public

Adam Ben
Signature _____
My Commission Expires 7-19-2025

LEON VOLKERT
Print Name - First, Last **Lot #** 164 **Yes** / **No** _____
Notary Public

Leon Volkert
Signature _____
My Commission Expires 7-19-2025

SJV PROPERTIES
Print Name - First, Last **Lot #** 165 **Yes** / **No** _____
Notary Public

Sydy Volk
Signature _____
My Commission Expires 7-19-2025

MJWG
Print Name - First, Last **Lot #** 166 **Yes** / **No** _____
Notary Public

Wells Gunn
Signature _____
My Commission Expires 7-19-2025

BAB PROPERTIES
Print Name - First, Last **Lot #** 167 **Yes** / **No** _____
Notary Public

Blake Ben
Signature _____
My Commission Expires 7-19-2025

Warren County
SUBDIVISION LIGHTING PROGRAM
Petition Signature List

PHASE NO.
1

SUBDIVISION: Windsor Park - Section 3

(Lot # must be filled in below for verification and your voting preference circled.)

MERCURY FINANCIAL
Print Name - First, Last

Lot #
168

Yes
No

[Signature]
Signature

[Signature]
Notary Public

7-19-2025

My Commission Expires

TMAG PROPERTIES
Print Name - First, Last

Lot #
169

Yes
No

[Signature]
Signature

[Signature]
Notary Public

7-19-2025

My Commission Expires

GMV PROPERTIES
Print Name - First, Last

Lot #
170

Yes
No

[Signature]
Signature

[Signature]
Notary Public

7-19-2025

My Commission Expires

AMB PROPERTIES
Print Name - First, Last

Lot #
171

Yes
No

[Signature]
Signature

[Signature]
Notary Public

7-19-2025

My Commission Expires

BAB PROPERTIES
Print Name - First, Last

Lot #
172

Yes
No

[Signature]
Signature

[Signature]
Notary Public

7-19-2025

My Commission Expires

GMV PROPERTIES
Print Name - First, Last

Lot #
173

Yes
No

[Signature]
Signature

[Signature]
Notary Public

7-19-2025

My Commission Expires

MSWG
Print Name - First, Last

Lot #
174

Yes
No

[Signature]
Signature

[Signature]
Notary Public

7-19-2025

My Commission Expires

TMAG PROPERTIES
Print Name - First, Last

Lot #
175

Yes
No

[Signature]
Signature

[Signature]
Notary Public

7-19-2025

My Commission Expires

Warren County
SUBDIVISION LIGHTING PROGRAM
Petition Signature List

PHASE NO.
1

SUBDIVISION: Windsor Park - Section 3

(Lot # must be filled in below for verification and your voting preference circled.)

ABKF
Print Name - First, Last
Adan Ben
Signature

Lot #
176

Yes
No

Stephanie Hu
Notary Public
7-19-2025
My Commission Expires

LEON DULET
Print Name - First, Last
Leon Dulet
Signature

Lot #
177

Yes
No

Stephanie Hu
Notary Public
7-19-2025
My Commission Expires

GMV PROPERTIES
Print Name - First, Last
Chris
Signature

Lot #
178

Yes
No

Stephanie Hu
Notary Public
7-19-2025
My Commission Expires

MERCURY FINANCIAL
Print Name - First, Last
Adan Ben
Signature

Lot #
179

Yes
No

Stephanie Hu
Notary Public
7-19-2025
My Commission Expires

GMV PROPERTIES
Print Name - First, Last
Chris
Signature

Lot #
180

Yes
No

Stephanie Hu
Notary Public
7-19-2025
My Commission Expires

NIG PROPERTIES
Print Name - First, Last
Neil Gay
Signature

Lot #
181

Yes
No

Stephanie Hu
Notary Public
7-19-2025
My Commission Expires

NIG PROPERTIES
Print Name - First, Last
Neil Gay
Signature

Lot #
182

Yes
No

Stephanie Hu
Notary Public
7-19-2025
My Commission Expires

AG PROPERTIES
Print Name - First, Last
Ani Gay
Signature

Lot #
183

Yes
No

Stephanie Hu
Notary Public
7-19-2025
My Commission Expires

Warren County
SUBDIVISION LIGHTING PROGRAM
Petition Signature List

PHASE NO.
1

SUBDIVISION: Windsor Park - Section 3

(Lot # must be filled in below for verification and your voting preference circled.)

RUSHING
Print Name - First, Last

Lot #
184

Yes
No

Notary Public

Signature

My Commission Expires

RUSHING
Print Name - First, Last

Lot #
185

Yes
No

Notary Public

Signature

My Commission Expires

AMB PROPERTIES
Print Name - First, Last

Lot #
186

Yes
No

Notary Public
7-19-2025

Signature

My Commission Expires

RUSHING
Print Name - First, Last

Lot #
187

Yes
No

Notary Public

Signature

My Commission Expires

MERCURY FINANCIAL
Print Name - First, Last

Lot #
188

Yes
No

Notary Public
7-19-2025

Signature

My Commission Expires

CAV PROPERTIES
Print Name - First, Last

Lot #
189

Yes
No

Notary Public
7-19-2025

Signature

My Commission Expires

MJWG
Print Name - First, Last

Lot #
190

Yes
No

Notary Public
7-19-2025

Signature

My Commission Expires

MJWG
Print Name - First, Last

Lot #
191

Yes
No

Notary Public
7-19-2025

Signature

My Commission Expires

Warren County
SUBDIVISION LIGHTING PROGRAM
Petition Signature List

PHASE NO.
1

SUBDIVISION: Windsor Park - Section 3

(Lot # must be filled in below for verification and your voting preference circled.)

BSI PROPERTIES
Print Name - First, Last
[Signature]
Signature

Lot #
192

Yes
No

[Signature]
Notary Public
7-19-2025
My Commission Expires

TMAG PROPERTIES
Print Name - First, Last
[Signature]
Signature

Lot #
193

Yes
No

[Signature]
Notary Public
7-19-2025
My Commission Expires

ABKF
Print Name - First, Last
[Signature]
Signature

Lot #
194

Yes
No

[Signature]
Notary Public
7-19-2025
My Commission Expires

FLORA BURDEN
Print Name - First, Last
[Signature]
Signature

Lot #
195

Yes
No

[Signature]
Notary Public
7-19-2025
My Commission Expires

RUSHING
Print Name - First, Last

Signature

Lot #
196

Yes
No

Notary Public

My Commission Expires

TMAG PROPERTIES
Print Name - First, Last
[Signature]
Signature

Lot #
197

Yes
No

[Signature]
Notary Public
7-19-2025
My Commission Expires

NP 6 PROPERTIES
Print Name - First, Last
[Signature]
Signature

Lot #
198

Yes
No

[Signature]
Notary Public
7-19-2025
My Commission Expires

Print Name - First, Last

Signature

Lot #
199

Yes
No

Notary Public

My Commission Expires

Warren County
SUBDIVISION LIGHTING PROGRAM
Petition Signature List

PHASE NO.
1

SUBDIVISION: Windsor Park - Section 3

(Lot # must be filled in below for verification and your voting preference circled.)

MJWG
Print Name - First, Last
Wick Jan
Signature

Lot #
218

Yes
No

Stephan H. G.
Notary Public
7-19-2025
My Commission Expires

IMAG PROPERTIES
Print Name - First, Last
[Signature]
Signature

Lot #
219

Yes
No

Stephan H. G.
Notary Public
7-19-2025
My Commission Expires

Print Name - First, Last

Signature

Lot #

Yes
No

Notary Public

My Commission Expires

Print Name - First, Last

Signature

Lot #

Yes
No

Notary Public

My Commission Expires

Print Name - First, Last

Signature

Lot #

Yes
No

Notary Public

My Commission Expires

Print Name - First, Last

Signature

Lot #

Yes
No

Notary Public

My Commission Expires

Print Name - First, Last

Signature

Lot #

Yes
No

Notary Public

My Commission Expires

Print Name - First, Last

Signature

Lot #

Yes
No

Notary Public

My Commission Expires

**Warren County
SUBDIVISION LIGHTING PROGRAM
Petition Signature List**

PHASE NO.
1

SUBDIVISION: Windsor Park - Section 3

(Lot # must be filled in below for verification and your voting preference circled.)

<hr/> Print Name - First, Last	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Lot #</div>	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Yes No</div>	<hr/> Notary Public
<hr/> Signature			<hr/> My Commission Expires
<hr/> Print Name - First, Last	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Lot #</div>	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Yes No</div>	<hr/> Notary Public
<hr/> Signature			<hr/> My Commission Expires
<hr/> Print Name - First, Last	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Lot #</div>	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Yes No</div>	<hr/> Notary Public
<hr/> Signature			<hr/> My Commission Expires
<hr/> Print Name - First, Last	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Lot #</div>	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Yes No</div>	<hr/> Notary Public
<hr/> Signature			<hr/> My Commission Expires
<hr/> Print Name - First, Last	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Lot #</div>	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Yes No</div>	<hr/> Notary Public
<hr/> Signature			<hr/> My Commission Expires
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<hr/> Signature			<hr/> My Commission Expires
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<hr/> Signature			<hr/> My Commission Expires