

**ORDINANCE NO. 310.28**

**ORDINANCE AUTHORIZING A LIGHTING  
AGREEMENT BETWEEN WARREN RURAL ELECTRIC  
COOPERATIVE CORPORATION AND THE OWNERS OF PROPERTY  
IN LEXINGTON PLACE SECTIONS 2 AND 3**

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 Lexington Place Sections 2 and 3 and Warren Rural Electric Cooperative Corporation providing for street lighting services commencing on the 31<sup>st</sup> day of August, 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 Lexington Place Sections 2 and 3 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.

May 21, 2024

FIRST READING

June 4, 2024

SECOND READING

At a meeting of the Fiscal Court of the County of Simpson, Kentucky, held June 4, 2024, on motion made by Honorable Marty Chandler and seconded by Honorable Jeffrey Burr, the foregoing ordinance was adopted, after full discussion, by the following vote:

YES SCOTT POSTON  
YES MARTY CHANDLER  
YES JEFFREY BURR  
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 14<sup>th</sup> Day of June, 2024, by and between Warren Rural Electric Cooperative Corporation, party of the first part, hereinafter referred to as the "Cooperative"; and Lexington Place Sections 2 and 3, 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 **31<sup>st</sup> day of August, 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 **\$4,108.65** will cover the prorated maintenance, and electric energy costs through **December 31<sup>st</sup>, 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 **\$124.51\*\*** per lot shall be due the **January 1<sup>st</sup>, 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:

<b><u>30</u></b>	70-watt LED fixtures, or suitable replacements
<b><u>30</u></b>	Fiberglass Poles
<b><u>1,012'</u></b>	Feet 12/2 Conductor

Subsequent Street Lighting Assessment:

Annual Facilities	<b><u>\$11,564.84</u></b>
Annual Energy Charge	<b><u>\$701.64</u></b>
Subtotal	<b><u>\$12,266.48</u></b>
Sheriff’s Fee (8.61%)	<b><u>\$1,056.14</u></b>
Total Annual Cost	<b><u>\$13,322.62</u></b>
Annual Cost Per Lot	<b><u>\$124.51</u></b>

\*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

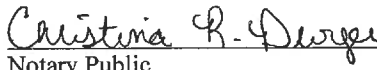
IN TESTIMONY WHEREOF witness the signatures below on the date first above entered.

**Lexington Place Sections 2 and 3**

By:   
**James Cook**, Authorized Agent

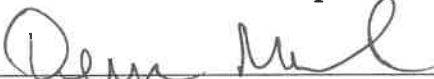
COMMONWEALTH OF KENTUCKY  
COUNTY OF SIMPSON

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 **James Cook**, the authorized agent for **Lexington Place Sections 2 and 3**, and acknowledged to be his/her free act and deed and that all statements contained therein are true and correct as of this 14th day of June, 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

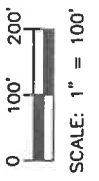
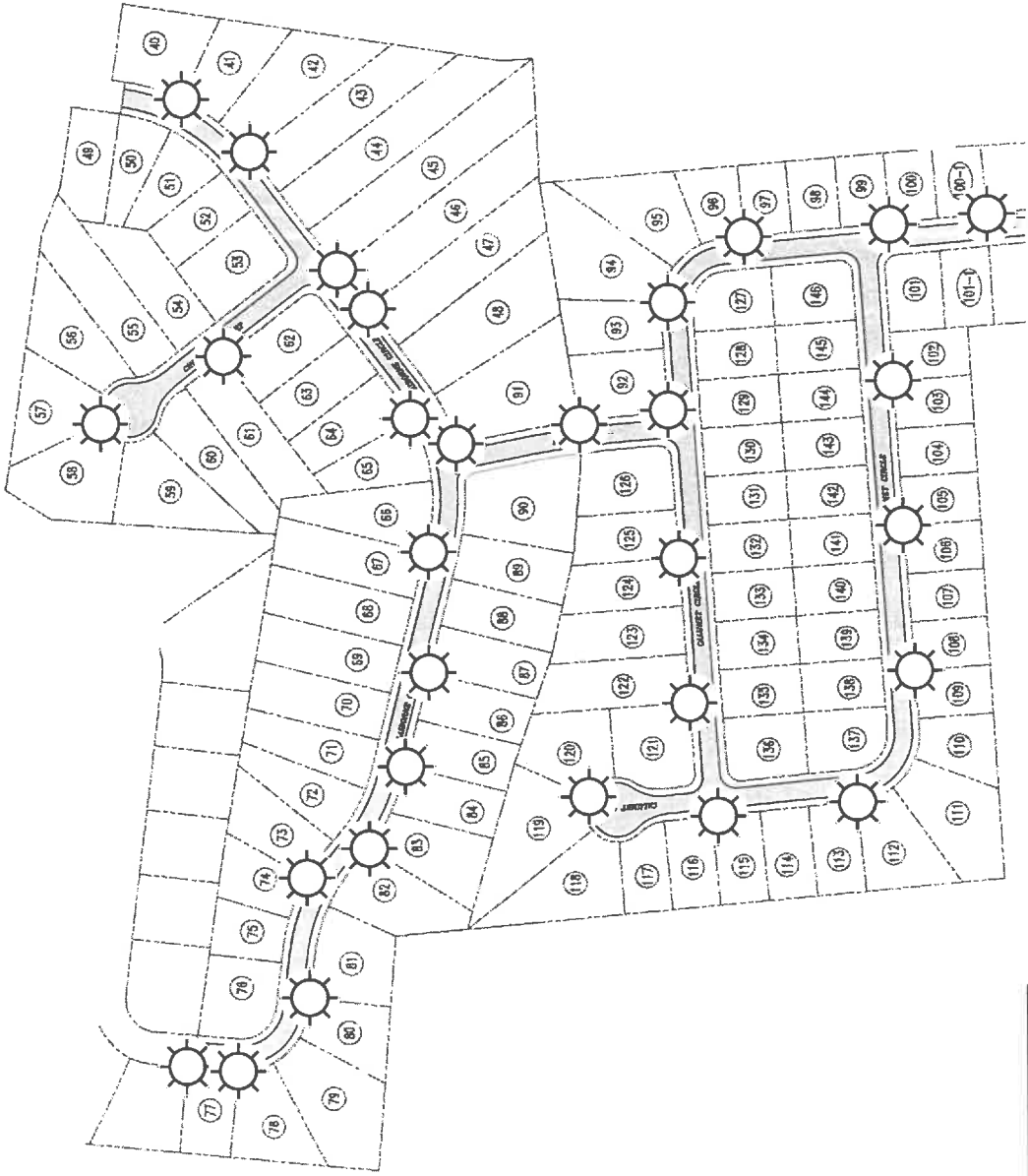
I, the undersigned, a Notary Public in and for the Commonwealth and County aforesaid, do hereby certify that the foregoing contract was executed before me by **Dewayne McDonald**, the authorized agent for Warren Rural Electric Cooperative Corporation and acknowledged to be his/her free act and deed and that all statements contained therein are true and correct as of this 14th day of June, 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



PROPOSED SINGLE STREET LIGHT & POLE

**LEXINGTON PLACE  
SECTIONS 2 AND 3  
SUBDIVISION  
107 LOTS  
(#40-91 & 92-146)  
EXHIBIT "A"**

BOOK CAB.

**6**

PAGE NO.

56-56  
66-66  
85-85

DATE:

03/04/2022  
7/07/2022  
9/15/2023

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 Lexington Place Sections 2 and 3 as recorded in the office of the Simpson County Clerk, Plat Book CAB6, Pages 56, 66, and 85, 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 **August 31, 2024**; the initial street lighting assessment (including the required transformer installation) will be **\$4,108.65** for **4** 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 1<sup>st</sup>, 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.)

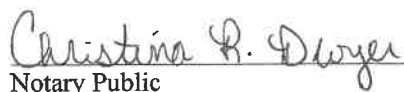
We further understand and agree that my signature on this petition indicates I have read and fully understand all information contained in or referred to in this document, and once submitted it shall become final.

We also agree and authorize by a “yes” vote (only if a minimum of 75 percent “**80 of 107 lots**” vote “yes” for the street lighting service) on the Petition Signature List that **James Cook** 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:   
**James Cook**, Authorized Agent for Lexington Place Sections 2 and 3

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 **James Cook**, the authorized agent for Lexington Place Sections 2 and 3, and acknowledged to be his/her free act and deed and that all statements contained therein are true and correct as of the 14<sup>th</sup> day of JUNE, 2024.

  
Notary Public  
Kentucky State-at-Large

1-19-27  
My Commission Expires



Warren County  
SUBDIVISION LIGHTING PROGRAM  
Petition Signature List

SUBDIVISION: Lexington Place PHASE NO. 2

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

James Wallace  
Print Name - First, Last

Lot #  
85

Yes  
No

Maria White KYNP41229  
Notary Public

James Wallace  
Signature

12-02-2025  
My Commission Expires

Alice Wallace  
Print Name - First, Last

Lot #

Yes  
No

Maria White KYNP41229  
Notary Public

Alice Wallace  
Signature

12-02-2025  
My Commission Expires

Brent Rushing  
Print Name - First, Last

Lot #  
81

Yes  
No

Alice R. Williams  
Notary Public, ID KYNP69775  
Notary at Large, Kentucky  
My Commission Expires on May 16, 2027

Brent Rushing  
Signature

My Commission Expires

Sheldon Overholt  
Print Name - First, Last

Lot #  
84

Yes  
No

Alice R. Williams  
Notary Public, ID KYNP69775  
Notary at Large, Kentucky  
My Commission Expires on May 16, 2027

Sheldon Overholt  
Signature

My Commission Expires

Reed or Erin Pasley  
Print Name - First, Last

Lot #  
59

Yes  
No

Notary Public

Signature

My Commission Expires

Print Name - First, Last

Lot #

Yes  
No

Notary Public

Signature

My Commission Expires

Print Name - First, Last

Lot #

Yes  
No

Notary Public

Signature

My Commission Expires

Print Name - First, Last

Lot #

Yes  
No

Notary Public

Signature

My Commission Expires

(1)

### Warren County SUBDIVISION LIGHTING PROGRAM Petition Signature List

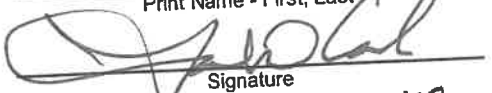
PHASE NO.

2

SUBDIVISION:

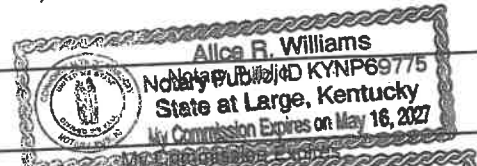
Lexington Place


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

Lexington Place, LLC  
JAMES W. COOK  
Print Name - First, Last  
  
Signature

Lot #  
76

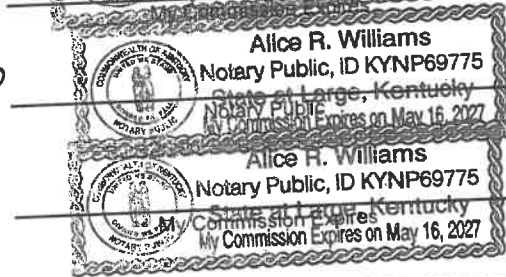
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 No

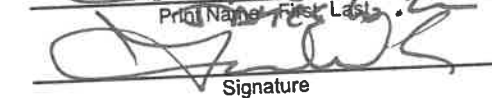
  
Alice R. Williams  
Notary Public, ID KYNP69775  
State at Large, Kentucky  
My Commission Expires on May 16, 2027

Lexington Place, LLC  
JAMES W. COOK  
Print Name - First, Last  
  
Signature

Lot #  
78

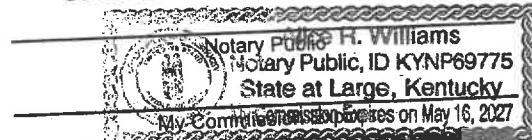
Yes  
 No


  
Alice R. Williams  
Notary Public, ID KYNP69775  
State at Large, Kentucky  
My Commission Expires on May 16, 2027

Lexington Place, LLC  
JAMES W. COOK  
Print Name - First, Last  
  
Signature

Lot #  
79

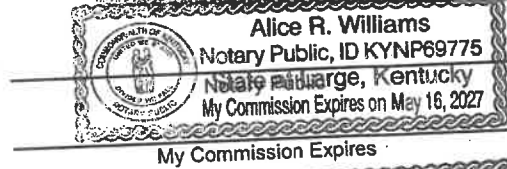
Yes  
 No

  
Alice R. Williams  
Notary Public, ID KYNP69775  
State at Large, Kentucky  
My Commission Expires on May 16, 2027

Lexington Place  
JAMES W. COOK  
Print Name - First, Last  
  
Signature

Lot #  
80

Yes  
 No

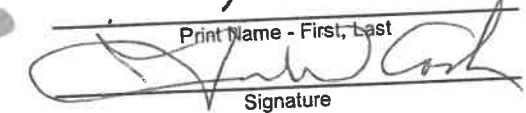
  
Alice R. Williams  
Notary Public, ID KYNP69775  
State at Large, Kentucky  
My Commission Expires on May 16, 2027

Lexington Place, LLC  
JAMES W. COOK  
Print Name - First, Last  
  
Signature

Lot #  
82

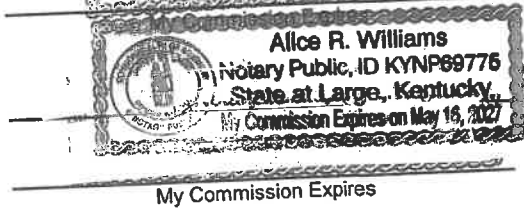
Yes  
 No

  
Alice R. Williams  
Notary Public, ID KYNP69775  
State at Large, Kentucky  
My Commission Expires on May 16, 2027

Lexington Place, LLC  
JAMES W. COOK  
Print Name - First, Last  
  
Signature

Lot #  
77

Yes  
 No

  
Alice R. Williams  
Notary Public, ID KYNP69775  
State at Large, Kentucky  
My Commission Expires on May 16, 2027

\_\_\_\_\_  
Print Name - First, Last

Lot #

Yes  
 No

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_  
My Commission Expires

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name - First, Last

Lot #

Yes  
 No

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_  
My Commission Expires

\_\_\_\_\_  
Signature

6

Warren County  
SUBDIVISION LIGHTING PROGRAM  
Petition Signature List

PHASE NO.

2

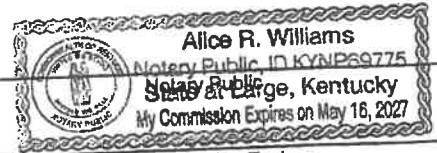
SUBDIVISION: Lexington Place  
(Lot # must be filled in below for verification and your voting preference circled.)

Lexington Place, LLC  
JAMES W. COOK

Print Name - First, Last

Lot #  
41

Yes  
 No



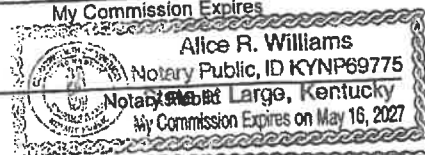
[Signature]  
Signature

Lexington Place, LLC  
JAMES W. COOK

Print Name - First, Last

Lot #  
44

Yes  
 No



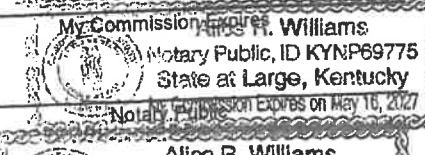
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Signature

Lexington Place  
JAMES W. COOK

Print Name - First, Last

Lot #  
45

Yes  
 No



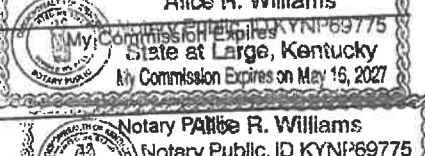
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Signature

Lexington Place, LLC  
JAMES W. COOK

Print Name - First, Last

Lot #  
46

Yes  
 No



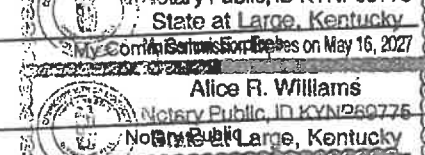
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Signature

Lexington Place, LLC  
JAMES W. COOK

Print Name - First, Last

Lot #  
57

Yes  
 No



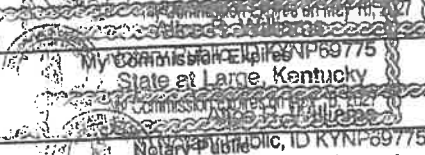
[Signature]  
Signature

Lexington Place, LLC  
JAMES W. COOK

Print Name - First, Last

Lot #  
58

Yes  
 No



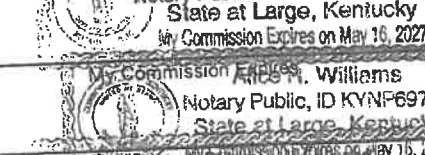
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Signature

Lexington Place, LLC  
JAMES W. COOK

Print Name - First, Last

Lot #  
74

Yes  
 No



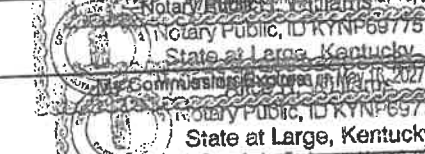
[Signature]  
Signature

Lexington Place, LLC  
JAMES W. COOK

Print Name - First, Last

Lot #  
75

Yes  
 No



Signature

My Commission Expires

8

Warren County  
SUBDIVISION LIGHTING PROGRAM  
Petition Signature List

PHASE NO.

2

SUBDIVISION: Lexington Place

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

BRENT RUSHING  
Print Name - First, Last

[Signature]  
Signature

Lot #  
49

Yes  
  
No

Alice R. Williams  
Notary Public, ID KYNP69775  
State at Large, Kentucky  
My Commission Expires on May 16, 2027

BRENT RUSHING  
Print Name - First, Last

[Signature]  
Signature

Lot #  
68

Yes  
  
No

Alice R. Williams  
Notary Public, ID KYNP69775  
State at Large, Kentucky  
My Commission Expires on May 16, 2027

BRENT RUSHING  
Print Name - First, Last

[Signature]  
Signature

Lot #  
69

Yes  
  
No

Alice R. Williams  
Notary Public, ID KYNP69775  
State at Large, Kentucky  
My Commission Expires on May 16, 2027

BRENT RUSHING  
Print Name - First, Last

[Signature]  
Signature

Lot #  
70

Yes  
  
No

Alice R. Williams  
Notary Public, ID KYNP69775  
State at Large, Kentucky  
My Commission Expires on May 16, 2027

BRENT RUSHING  
Print Name - First, Last

[Signature]  
Signature

Lot #  
71

Yes  
  
No

Alice R. Williams  
Notary Public, ID KYNP69775  
State at Large, Kentucky  
My Commission Expires on May 16, 2027

\_\_\_\_\_  
Signature

Lot #

Yes  
  
No

Alice R. Williams  
Notary Public, ID KYNP69775  
State at Large, Kentucky  
My Commission Expires on May 16, 2027

BRENT RUSHING  
Print Name - First, Last

[Signature]  
Signature

Lot #  
91

Yes  
  
No

Alice R. Williams  
Notary Public, ID KYNP69775  
State at Large, Kentucky  
My Commission Expires on May 16, 2027

\_\_\_\_\_  
Print Name - First, Last

Lot #

Yes  
  
No

Alice R. Williams  
Notary Public, ID KYNP69775  
State at Large, Kentucky  
My Commission Expires on May 16, 2027


\_\_\_\_\_  
Signature

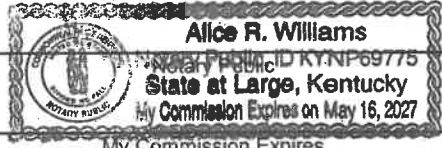
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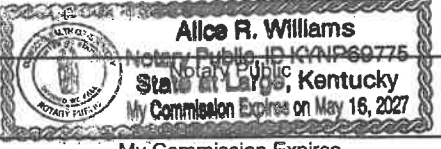
Warren County  
SUBDIVISION LIGHTING PROGRAM  
Petition Signature List

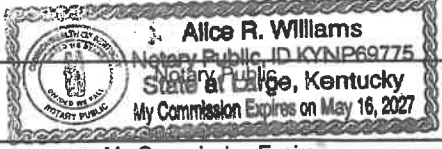
SUBDIVISION: Lexington Place PHASE NO. 2  
(Lot # must be filled in below for verification and your voting preference circled.)

\_\_\_\_\_  
Print Name - First, Last  Lot #  Yes  No \_\_\_\_\_  
Notary Public

Signature \_\_\_\_\_  
Lexington Place, LLC  
JAMES COOK  
Print Name - First, Last  Lot #  Yes  No \_\_\_\_\_  
Signature \_\_\_\_\_  
My Commission Expires \_\_\_\_\_  
  
My Commission Expires \_\_\_\_\_

Signature \_\_\_\_\_  
Jonathan Overholt  
Print Name - First, Last  Lot #  Yes  No \_\_\_\_\_  
Signature \_\_\_\_\_  
PRUDENTIAL BUILDING, LLC  
SHELDON OVERHOLT  
Print Name - First, Last  Lot #  Yes  No \_\_\_\_\_  
Signature \_\_\_\_\_  
My Commission Expires \_\_\_\_\_  
  
My Commission Expires \_\_\_\_\_

Signature \_\_\_\_\_  
SHELDON OVERHOLT  
Print Name - First, Last  Lot #  Yes  No \_\_\_\_\_  
Signature \_\_\_\_\_  
PRUDENTIAL BUILDING, LLC  
SHELDON OVERHOLT  
Print Name - First, Last  Lot #  Yes  No \_\_\_\_\_  
Signature \_\_\_\_\_  
My Commission Expires \_\_\_\_\_  
  
My Commission Expires \_\_\_\_\_

Signature \_\_\_\_\_  
Rushing Properties  
Print Name - First, Last  Lot #  Yes  No \_\_\_\_\_  
Signature \_\_\_\_\_  
Grant Rushing  
Print Name - First, Last  Lot #  Yes  No \_\_\_\_\_  
Signature \_\_\_\_\_  
My Commission Expires \_\_\_\_\_  
  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Print Name - First, Last  Lot #  Yes  No \_\_\_\_\_  
Signature \_\_\_\_\_  
My Commission Expires \_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print Name - First, Last  Lot #  Yes  No \_\_\_\_\_  
Signature \_\_\_\_\_  
My Commission Expires \_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print Name - First, Last  Lot #  Yes  No \_\_\_\_\_  
Signature \_\_\_\_\_  
My Commission Expires \_\_\_\_\_  
Notary Public

Warren County  
SUBDIVISION LIGHTING PROGRAM  
Petition Signature List

PHASE NO.

SUBDIVISION: Lexington Place 2

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

Beth Davis  
Print Name - First, Last

Beth Davis  
Signature

Lot #  
68

Yes  
No

321 Claiborne

Castel Cavcah  
Notary Public  
Michelle Williams  
Notary Public, ID KYNP69775  
State at Large, Kentucky  
My Commission Expires on May 16, 2027

Print Name - First, Last

Signature

Lot #

Yes  
No

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

13

### Warren County SUBDIVISION LIGHTING PROGRAM Petition Signature List

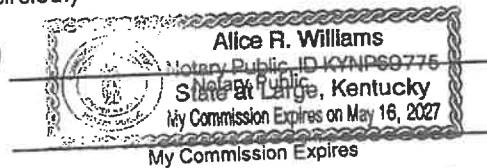
PHASE NO.

2

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

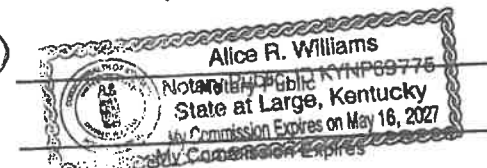
Prudential Construction  
Print Name - First, Last  
Sheldon D. [Signature]  
Signature

Lot # 72  Yes  No



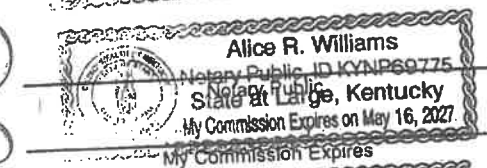
Prudential Construction  
Print Name - First, Last  
Sheldon D. [Signature]  
Signature

Lot # 73  Yes  No



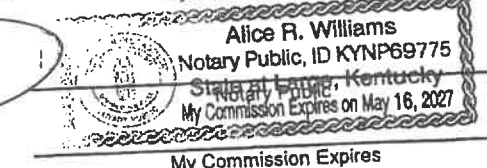
Prudential Construction  
Print Name - First, Last  
Sheldon D. [Signature]  
Signature

Lot # 83  Yes  No



Prudential Construction  
Print Name - First, Last  
Sheldon D. [Signature]  
Signature

Lot # 85  Yes  No



\_\_\_\_\_  
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

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