

Contract Between Thos. R. White and City Council of Columbus.

Contract.

Said contract being as follows:

STATE OF GEORGIA,
County of Muscogee:

Contracting Parties.

This is a contract made and entered into this 7th day of October, A. D., 1881, between Thomas R. White, of the City of Philadelphia;

State of Pennsylvania, and such other persons as may be associated with, or incorporated with him, and the mayor and council of Columbus, for the construction and operation of an effective system of water works for the supply of the city with water for the various uses required.

Thomas R. White, on his part, agrees to furnish and supply as hereinafter stated:

223 Real Estate and Water Rights.

I. All the real estate, rights of ways, water rights and water, that shall be found requisite for the successful prosecution and operation of the water works.

Buildings, Dams, etc.

II. To supply buildings, dams, embankments, of ample size and strength, good and durable quality, that may be required for the works.

Storage Reservoir—Elevation.

III. A storage reservoir for water having an available capacity for the storage and supply of not less than 125 millions of gallons of water when filled, so situated that the surface of water in such storage reservoir shall, when full, stand at an elevation of not less than 100 feet above the floor of the city market house; and if practicable, to have an elevation of one hundred and seven (107) feet, or more.

Supply Main.

IV. A water supply main of cast iron pipe, leading from the storage reservoir to the city, of ample capacity for water supply, which, in the beginning shall be of twelve (12) inches internal diameter; and shall supply the street mains at the pressure due to the elevation. It shall be properly placed, for the purpose intended.

Distribution System

224 V. The distribution system in the city, shall, in the beginning, consist of five (5) miles of street mains, of twelve (12), ten (10), eight (8), six (6), and four (4) inches, internal diameter, to be laid in such streets as Thomas R. White may select, with the consent of a special committee appointed by the City Council; particular reference being had to such a mode of distribution as shall give the greatest amount of fire protection to the city, and the distribution of the largest amount of water to consumers. The street mains shall be of the best cast iron, coated with coal tar varnish, and capable of standing a hydrostatic pressure of three hundred pounds to the square inch.

Stop Valves.

VI. The flow of water in the street mains shall be controlled by thirty (30) valves, distributed on the various sizes of pipes, at appropriate distances.

Fifty Double Hydrants for Fire.

VII. Fifty (50) double hydrants shall be placed on the original five miles of street distribution, making in all one hundred (100) hose connection. Both hydrants and valves to be first class workmanship. Hydrant connections to be four (4) inches and waterways of hydrants four (4) and four and one half (4½) inches. Proper provisions shall be made to guard against freezing in case of operation in use.

Drinking and Park Fountains.

225 VIII. Five (5) public drinking fountains shall be erected at such points on the line of distribution as representatives of the council may direct; and one first class park fountain in the public park.

Sizes of Street Mains.

IX. The sizes of street mains shall be ample for supply to consumers and for fire protection through hydrants. The capacity for distribution and supply to various mains in streets to equal sizes given in plans for pipes, submitted to special committee of council previous to execution of this contract.

Water Supply.

X. The source of water supply shall be determined by Thomas R. White, he guaranteeing, however, that the supply of water, both in quality and amount, shall be wholesome, constant and amply sufficient to meet the wants of the city, and private consumers, for future and present requirements.

Filter for Water Distribution.

226 XI. Within the storage reservoir, and surrounding the supply main leading to the city, shall be constructed of masonry, two circular concentric walls arranged in annular positions, about twelve (12) feet distant from each other, and having an internal diameter for the inner wall of from forty (40) to fifty (50) feet, the outer having about twenty four (24) feet greater diameter. These walls to form a structure for containing between them, gravel, sand and filtering materials, through which all water supplied to the water main shall pass before being distributed to the city.

Vegetable and Unwholesome Matter to be Removed.

XII. In constructing the storage reservoir all trees, stumps, roots, grass, alluvial deposits, vegetable and unwholesome matter shall be removed from the space to be occupied by water. Excavations and embankments shall be made about the margins of the reservoir such as will avoid all thin edges to the water, with reservoir filled, and cause marginal depths of not less than four (4) feet of water. After the completion of the reservoir, and the use of the water from the

same by the city, it shall be kept free from grass, weeds, vegetation of all kinds, aquatic or otherwise; and all proper and reasonable provisions made for cleanliness and purity. The filtering material surrounding the supply main shall be kept in good condition and cleanly.

Contaminated or Unwholesome Water—Experts.

XIII. Should the water supply to the distribution ever become contaminated or unwholesome, from any cause, upon notice being given by the proper city authorities, Thomas R. White agrees to make all provisions practicable for improving the quality; and if, at any reasonable time after such notice, the water supply is not of wholesome quality, to be determined by three scientific experts (one to be selected by the city, one by Thomas R. White, and the two to select a third), the city authorities may issue orders limiting its use, or the entire cutting off of the water from the street mains, and reserve the use for fire purposes only. The expenses of such experts and examination to be paid by Thomas R. White, or the city, whichever may be decided against; and if no decision, each to pay its expert and both to pay the third.

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Franchise—Rental of Fire Hydrants.

XIV. The Mayor and council are to grant a franchise for the exclusive privilege of maintaining and operating the works for a period of thirty (30) years; or until such time as they may be purchased by the city; and during such time to rent from Thomas R. White, the fifty (50) double fire hydrants at an annual rental of eighty (80) dollars each, equal to four thousand (\$4,000) dollars per year, payable quarterly; and on future extensions the rate shall be seventy five (75) dollars per hydrant; but whenever the number of hydrants exceed ten (10) per mile, on any one mile of pipe, there shall be a discount of ten per cent. for each additional hydrant on said mile of pipe. In the primary distribution of the fifty hydrants on the line of street mains, reference shall be had to the value of property contiguous, and a number of hydrants greater than ten may be placed on a mile of pipe without this reduction in price per hydrant, until additional hydrants beyond fifty (50) are placed on the original five miles of pipe, when such reduction shall occur on one hydrant for each such addition.

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Payment of Water Rents.

XV. In order to make provisions for the payment of water rents, the Mayor and council, in making appropriations for the fire and sanitary departments, shall appropriate a sum sufficient to pay the annual rental of the water works, and the Mayor and council shall receive in payment for any taxes due the City of Columbus the due coupons of any bond issued by Thomas R. White, to an amount not exceeding the rental due by the city to him in any one year; and the coupons thus taken shall be received by him as cash in payment of said rentals.

Rates to Private Consumers, or Annual Charges.

XVI. Thomas R. White may charge and collect from private consumers, not to exceed the following rates: For an average daily consumption of less than five hundred (500) gallons, five cents per hundred gallons; from five hundred (500) to two thousand (2000) daily average, four (4) cents per hundred gallons; from two thousand (2000) to five thousand (5000) daily average, three (3) cents per hundred gallons; over five thousand (5000) daily average, two and one half (2½) cents per one hundred gallons, or, instead of above rates, annual charges may be made to consumers, for use, based on consumption, prices not to exceed those mentioned in this section.

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Free Water to City in Lieu of City Taxes.

XVII. The city shall have the right to free use of water for four sprinkling carts or wagons, to be taken from the line of distribution, for engine practice, for the park fountain, for the drinking fountains, for the court house or city hall, engine houses and public schools, and in consideration of this use of water, the city shall pay Thomas R. White a sum annually equal to the city taxes on the water works property, stocks, bonds and franchises due said city.

Charges to City for Water.

XVIII. The price to be paid by the city for water, other than for sanitary purposes, and that supplied in lieu of taxes, and not otherwise herein provided for, shall be at a rate not exceeding two (2) cents per one hundred gallons for the amount actually used.

Filling Public Cisterns.

XIX. The city authorities may select any number of public cisterns, which they may desire to be kept supplied with water from the fire hydrants, and such cisterns, when so designated, may be, from time to time, filled by the fire department, by means of hose, for the purpose of extinguishing fires, and for engine practice; and for water thus furnished the city shall pay an annual rental of fifteen (15) dollars for each cistern so designated, or the water may be paid for at the rate of two cents per one hundred
230 gallons.

Flooding Streets or Sewers—Charges—Rates.

XX. Whenever, in the opinion of the proper city authorities, for sanitary purposes, it shall be deemed expedient to wash or flood the streets, drains, ditches or sewers, contiguous to fire hydrants, on one day's notice being given Thomas R. White, any fire hydrant may be used for such purposes, directly or by means of hose, or connections, provided such use is not beyond the capacity of the works to supply. For each fire hydrant so used the city shall pay forty (40) cents per hour for water supplied through each hose, and

one dollar and forty (\$1.40) per hour if supplied directly from fire hydrants.

Reservation to City of Pipes, etc., Now in Use.

XXI. The Mayor and council reserve the right to the undisturbed use of the four inch water-pipe connections and attachments, now located on Broad, Randolph and Front Streets, for fire purposes only, the supply of cisterns, and engine practice. Said water pipe not to be used for other water supply, or street sprinkling, after the completion of the water works, except with the consent of Thomas R. White.

Interruption of Supply.

XXII. Should Thomas R. White find it necessary at any time to cut off the water from any or all of the supply mains, deductions in charges for water supplied shall be made, both to the city and to consumers, so deprived of its uses or benefits, equal to double
231 what would have been due during such time, to Thomas R. White, had not such interruption in supply occurred; provided that a temporary stoppage in the supply, not exceeding twelve (12) hours' duration, at any one time, for the purpose of repairing, extending or tapping water mains, shall not be considered an interruption for rebate.

Depth for Pipes in Ground.

XXIII. Water mains and pipes located in streets shall be placed an average depth of not less than three (3) feet below the surface. Fire hydrants, valves and attachments shall be properly guarded against freezing; valve wells properly guarded, both for safety of the public and the proper operation of the valves.

Uniform Hydrants—Uniformity of Valves.

XXIV. All hydrants for attaching city regulation fire hose, both public and private, shall be uniform in size of openings, the threads on the same cut to fit couplings on hose now in use by the fire department. All attachments for opening hydrant valves to be of uniform size, relative to opening and closing. The operating heads or squares of all stop valve stems in the water main system shall be uniform size, relative to means of opening.

Direction of Opening Uniform.

Every valve, of every description, whether hydrant, gate or stop valve, shall have an uniform direction or rotation in opening said valves, namely: to turn against the sun in opening, and to
232 close by the reverse direction of rotation.

Private Fire Hydrants—Annual Rentals.

XXV. Any citizen or citizens having property interest contiguous to the line of any street main may have a private hydrant, uniform
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in construction and details with those rented by the city of Thomas R. White, placed at or near the street line of sidewalk, (this location to be with approval of city council), or on the premises, said citizen or citizens paying to Thomas R. White the full cost of purchasing and placing the same, if placed by him, or cost of any portion of same so placed by him, and paying, in advance, an annual rental of twenty-five (\$25.) dollars for single, or forty (\$40.) — for double hydrants. Such private fire hydrants to be used for fire purposes only, except by special arrangement with Thomas R. White. Private fire hydrants thus provided, if located on streets, may be used by the city fire department for extinguishing fires contiguous; preference being always given to protection of property belonging to subscriber for the hydrants. On failure of such subscribers for private fire hydrants to pay on demand, in advance, the charges for rental on the same, Thomas R. White may cut off the water and the ownership of so much of the hydrants and attachments as is located on the street, revert to Thomas R. White.

233 Rental of Hydrants after Fifteen Years.

XXVI. After the expiration of the term of fifteen (15) years, succeeding the acceptance by the city of the water works, under this contract, if at that time the city does not become the purchaser of the same, the annual rental charges to the city for all fire hydrants thereafter, on all future extensions, shall be reduced to one half the prices now agreed upon; but the original rates shall be continued on all hydrants, on the distribution existing at that date.

Insufficient Water Pipes.

XXVII. Whenever the consumption of water on the line of any street main is so great as to reduce the pressure, between the hours of nine (9) and ten (10) o'clock, A. M., and one (1) and two (2) o'clock P. M., below thirty two pounds to the square inch, said water main shall be deemed of insufficient capacity, and shall be replaced by Thomas R. White with pipes, mains, or connections, of sufficient size to give the pressure above named; the level of the market house floor to be taken as the index for levels and pressures.

No Pipe Less Than Four Inches.

No water main of less than four (4) inches diameter shall be used in the distribution system.

Extension of Water Mains.

XXVIII. Thomas R. White obligates himself to extend mains wherever he shall be assured of a permanent annual income
234 of \$700. per mile of pipe, or \$150. a year on a line of 1000 feet, or \$100. on a line of 600 feet.

These incomes when the pipes laid may be of four (4) inches diameter, with fifty (50) per cent. additional assured income when

six inches is to be laid, either direct or indirectly, to supply the same in lengths not exceeding those mentioned.

Location of Fire Hydrants.

XXIX. The fire hydrants shall be located along the streets where the pipes are laid, and their location shall be with the approval of a special committee appointed by the council.

Interferences.

XXX. In laying water mains, service or other pipes, should existing positions of gas or other pipes, sewers, public or private improvements, present obstructions to laying the same, the determination as to position and rights shall be vested in the city council relative to water mains, and Thomas R. White shall conform to this decision.

Relaying Water Pipes.

XXXI. Whenever, owing to change of grades of streets, crossings or public improvements, water mains or pipes have to be re-laid, the work of so doing shall be promptly executed at the expense of the city.

Use of Streets—Obstructions and Streets.

235 XXXII. Previous to laying water pipes on any streets, Thomas R. White shall have the right to distribute the sections of pipes and fittings on the surface of such street, and occupy for a reasonable time so much of the street as shall be required for the same; but in so doing due regard for public convenience shall be had; and the least practicable obstructions to the streets, crossings and private ways. Whenever undue obstructions are so presented, on notice being given by the proper city authorities, the same shall be removed.

Public Convenience—Public Safety.

XXXIII. In excavations, embankments and incidents to laying water or service pipes, due regard to public and private convenience shall be observed, and the least practicable obstructions prevented. When practicable, crossings and passages shall be provided for vehicles and persons. In excavating ditches for laying water pipes and in the use of streets for distributing sections of pipes previous to laying and the like, due regard to public safety shall be observed; and Thomas R. White shall use such safeguards against accidents in the public use of streets sidewalks, crossings and private ways, both during the day and night as will avoid endangering life or limb of citizens or animals.

Damages to Streets—Negligence.

236 XXXIV. When damage to streets, etc. occurs from leakage or the breakage of mains or fire hydrants, connections or service pipes in streets, the same shall be promptly repaired by Thomas R. White, at his own expense, unless such damage

shall be caused by the negligence or wilfulness of the fire department, or other city employes.

Damages.

XXXV. Thomas R. White shall at all times, save and keep the city harmless from all damages that may arise from excavating or filling the streets in the construction and maintaining the water works.

Streets Restored.

XXXVI. After the use of streets and highways for laying pipes and placing hydrants, the same shall be restored, as near as practicable, to as good condition as before such use.

Public Water for Private Use.

XXXVII. Public fountains are not to be used for private purposes, neither other public water, except by the joint consent of the city and Thomas R. White, except, also, as intended in this contract.

Hitching Posts—Illicit Uses and Malicious Mischief.

XXXVIII. The Mayor and council agree to enact an ordinance, making it a misdemeanor, punishable by a fine not exceeding ten (\$10) dollars for each offense for any person to make use of a public or private fire hydrant as a hitching post for horses, mules or other animals, and will also protect by legislation, valves and hydrants against illicit uses and malicious mischief.

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Additional Legislation.

XXXIX. The Mayor and council shall aid in procuring such additional State and municipal legislation as may be requisite to protect the rights and property of Thomas R. White.

Works to be of Ample Capacity.

XI. The proposed works shall be built in the most substantial manner and of the best materials, and on such a scale as to permit the extension of the pipes and an enlarged supply for the future without remodeling or altering the machinery or street mains for many years to come, under ordinary conditions.

Certified Copies of Contract.

XLI. The Mayor and council will authorize the city clerk to furnish Thomas R. White certified copies of this contract, or any portion of the same, to whatever number may be desired, when so requested.

Purchase of Water Works After Fifteen Years—Arbitration—
Purchaser Assuming Obligation.

XLII. The Mayor and Council shall have the right at the end of Fifteen (15) years from the completion of the works to buy the same, with all the rights, franchises and property belonging thereunto, at a price that may be mutually agreed upon by the parties, or the valuation may be ascertained by three disinterested parties, non-residents of Columbus or the county of Muscogee, and one of whom shall be a well known hydraulic engineer—one of the said
238 parties to be chosen by the city, one by Thomas R. White and these two to select a third. When these three persons shall declare the value of the water works, the city shall pay the sum named, with ten (10) per cent. added to the amount for which the works have been valued; and the city shall, in this purchase, assume all the obligations of Thomas R. White, the lawful acquittances of which shall be received by Thomas R. White as a part of the cash payment of the declared value of the water works. These obligations include such as are for operating, maintaining and extending the same, the duties incident thereto. In assuming money obligations for indebtedness, or choses in action, due from Thomas R. White, to others, the same shall be in lieu of cash payments to equal amounts, and no obligation to assume money liabilities greater than the value to be paid by the city.

May Decline Purchase.

But the Mayor and council shall have the right to decline the purchase of the works, after the value may have been declared, upon the payment by them of the cost and expenses of the arbitration.

Right to Purchase Every Fifteen Years. Notice.

In the event of the city not making the purchase the rights and privileges of Thomas R. White shall continue in force until the final purchase of the works by the city; and the right to purchase shall enure to the city every fifteen (15) years; but in every case it shall give to Thomas R. White twelve (12) months previous notice of its intention to purchase.

239 Defective Plumbing.

XLIII. Whenever, by reason of defective plumbing, workmanship or material, used by consumers in fitting, considerable unnecessary water waste shall occur on the premises, after due notice being given by Thomas R. White, he may cut off the water from such consumer until the proper repairs are caused to be made.

Putrid Water on Private Property—City May Order Supply Cut Off.

XLIV. In the use of water by consumers, should the waste or drain from any premises be allowed to flow or waste on a private property, and become obnoxious, stagnant, putrid or uncleanly; if, after due notice being given by the proper city authorities to such

consumer, the obnoxious or improper condition are allowed to remain, the city may, upon notice to Thomas R. White have the water supply to such premises shut off until the consumer shall comply with the notice and remove the nuisance.

Distributing Reservoir May Be Used—Not Less Than 3,000,000 Gallons Capacity—Pumps—Filtering Water—Elevation.

XLV. In the execution of this contract by Thomas R. White, should the gravity system contemplated be found impracticable, either owing to natural causes, objections or unreasonable requirements of land owners regarding the right of way for the pipe leading to the city, a well-constructed secondary or distributing
240 reservoir may be used of not less than 3,000,000 gallons capacity; and two full systems of pumps, operated by either water or steam power, may be used for elevating water from the storage to the distributing reservoir. Such pumps to be first class of easy capacity of not less than 1,500,000 gallons daily, to be capable of being worked separately or together; pumpings connections between the reservoirs to be twelve inches or more and proper valves and attachments used; filtering arrangements in storage reservoir, as heretofore described. The elevation of distributing reservoir to be not less than twenty feet above storage reservoir. Such distributing reservoir to be kept well supplied with water, in good condition in every way, and all arrangements consequent to distributing reservoir being used and adopted, shall be provided by Thomas R. White.

Time for Beginning and Completing Water Works.

XLVI. After the full execution of this contract by the city and Thomas R. White, and ratification of the contract by city council, Thomas R. White obligates himself to begin material work within twenty days, and within that time to be personally present in the supervision of the same, and to continue the work with only such intermissions as shall occur from Providential causes, to completion; with a view to the full operation of the same by May 1st, A. D.,
241 1882. He will procure all necessary real estate, water rights, rights of way and leaseholds, proceed to building the storage reservoir as early as possible as well as the distributing reservoir, should one be found necessary. He will contract for and ship to Columbus, within two (2) months, two thousand (2000) feet of twelve (12) inch water pipe for use in the supply main.

Forfeiture for Failure—Revert to City.

XLVII. If the provisions of this contract for constructing the water system shall not be commenced to be *bona fide*, executed by Thomas R. White and material progress made within thirty days following the signing and execution of this contract, or not to be completed previous to June 1st, A. D., 1882, the rights here invested by the Mayor and city council in Thomas R. White, shall revert to the city; and all property, real or chattel, and rights procured by him

for building the water works shall be forfeited to the city; and any damage to the streets, public or private property, by reason of incomplete work, or failure to do the same properly, shall be repaired at the expense of Thomas R. White.

Holly System.

XLVIII. Should natural causes or unreasonable requirements of owners of real estate required in construction, render the building of a storage reservoir at an elevation above 110 feet impracticable then, if deemed expedient, Thomas R. White may adopt what is known as the Holly System, of water works in lieu of other systems. In this event a storage reservoir of not less than fifty million gallons capacity shall be provided. Pumps and boilers of ample capacity in duplicates. Arrangements shall be made for domestic pressure, equal to not less than that due to one hundred feet elevation and a fire pressure of not less than that due to one hundred and fifty feet. Direct electric communication from fire alarm station of city to pump house with proper arrangements for early fire pressure in case of an alarm. As far as this system can be made to conform with provisions hereinbefore set forth, it shall be so done in the use of a Holly System.

In testimony whereof, Thomas R. White and the Mayor and council of Columbus have herewith set their hands and seals the day and year hereinbefore mentioned and written.

Witnesses as to the signature of Thomas R. White, John N. Barnett, B. H. Hudson.

THOMAS R. WHITE.	[SEAL.]
P. G. WILKINS, <i>Mayor</i> .	[SEAL.]
JOHN HILL.	[SEAL.]
R. B. MURDOCH.	[SEAL.]
W. R. BROWN.	[SEAL.]
J. A. SHINGLEUR.	[SEAL.]