

ORDINANCE NO 35

An ordinance granting to Minnesota Power & Light Company, its successors and assigns, the right to construct and maintain an electric distribution system within the Village of Finlayson; the Village Council of the Village of Finlayson, Pine County, Minnesota, does hereby ordain as follows:

Section 1: there is hereby granted to Minnesota Power & Light Company, its successors and assigns, for the period of twenty years from and after passage of this ordinance, the right to enter upon and construct, operate and maintain upon the streets, highways and public grounds of said village, poles, wires, cross arms, braces, lamps, conduits and other usual appurtenances and appliances for transmitting and distributing electricity for light, heat and power purposes.

Section 2: All poles, wires and other appliances constructed or maintained by Minnesota Power & Light Company, its successors or assigns, shall be constructed and maintained in a safe and secure manner and so as not unnecessarily to interfere with the public use of the said streets and public grounds, and shall at all times be subject to the reasonable regulations of the village council, and clearance for the moving of buildings and other objects shall be made immediately by the Minnesota Power & Light Company when permission to move through the streets is given anyone by the village council provide the cost to the Minnesota Power & Light Company is guaranteed to the satisfaction of the company.

Section 3: The village shall in no way be liable or responsible for any accident or damage that may occur in the construction, operation, or maintenance by the Minnesota Power & Light Company of its lines and appurtenances hereunder, and the acceptance of this ordinance shall be deemed an agreement on the part of the said Minnesota Power & Light Company, its successors, and assigns to indemnify said village and hold it harmless against any and all liability, loss, cost, damage, or expense which may accrue to said village by reason of the neglect, default or misconduct of the Minnesota Power & Light Company in the construction, operation or maintenance of its lines and appurtenances hereunder.

Section 4: This ordinance shall not be considered as granting to Minnesota Power & Light Company, its successors and assigns, any exclusive privilege of erecting poles and stringing wires in the streets or public grounds of said village.

Section 5: Minnesota Power & Light Company shall be prepared to and shall furnish from acceptance hereof, twenty four (24) hours continuous electrical service from its electrical system to consumers in said village, including said village, unless prevented by causes not within its reasonable control, and shall furnish such service to all desiring the same at reasonable rates, provided, however that these obligators to furnish electric service shall terminate if and when said village grants a permit to any other person or corporation not presently holding a permit for supplying electric service within said village or itself engages in the business of supplying electric service therein.

Section 6: It is hereby agreed by the Minnesota Power & Light Company that the village council may, if it wishes to do so, exercise the statutory right to acquire that portion of the Company's property within the village limits of the Village of Finlayson, constituting the electric distribution system within said Village, all in accordance with the statutory provisions pertaining to the purchase of such public utility property by village officials as set forth in Minnesota Statutes of 1949, Section 300.05, or any amendment thereof.

Section 7: This ordinance supersedes and cancels Village Ordinance No 26, passed March 9, 1953, granting a permit to Minnesota Power & Light Company, its successors and assigns, which ordinance was entitled “An ordinance granting to Minnesota Power & Light Company, its successors and assigns, the right to construct and maintain an electric distribution system within the Village of Finlayson.”

Section 8: This ordinance shall be void in all respects unless within thirty (30) days after its passage and publication, said Minnesota Power & Light Company shall, by written acceptance filed with the Village clerk, accept the provisions hereof and this ordinance when so accepted shall constitute a contract between said Village of Finlayson and said Minnesota Power & Light company, its successors and assigns.

This ordinance shall take effect from and after its publication. Passed and approved by the Village Council of the Village of Finlayson, this 9th day of March, 1972.

Vernon Beck
Mayor

Josepha Koenings
Village Clerk