

39. Electric franchise

Franchise ordinances are normally not codified. This ordinance should not be in TITLE XVII but it should be retained by the city.

CITY ORDINANCE

NO. 39

AN ORDINANCE GRANTING TO MINNESOTA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO CONSTRUCT AND MAINTAIN AN ELECTRIC DISTRIBUTION AND TRANSMISSION SYSTEM WITHIN THE CITY OF FINLAYSON, MINNESOTA

Section 1. The City of Finlayson hereby grants to Minnesota Power & Light Company, its successors and assigns, (hereinafter referred to as "Company") the right to enter upon and construct, operate and maintain upon the streets, alleys, highways and public grounds of the City, poles, wires, crossarms, braces, lamps, conduits and other usual appurtenances and appliances for transmitting and distributing electric power and energy and for other compatible uses and applications including telecommunications, electric load dispatch and control. This Ordinance shall remain in effect for the period of twenty (20) years from and after passage of this Ordinance.

Section 2. All poles, wires and other appliances shall be constructed and maintained by Company in a safe and secure manner and so as not unnecessarily to interfere with the public use of the said streets, alleys, highways and public grounds, and which shall at all times be subject to the reasonable regulation of the City. Clearance for the moving of buildings and other objects shall be made immediately by Company when permission to move through the streets is given anyone by the City provided payment for the Company's cost is guaranteed to the Company's satisfaction.

Section 3. The City shall in no way be liable or responsible for any accident or damage that may occur in the construction, operation and maintenance by the Company of its lines and appurtenances hereunder unless caused by the City. The acceptance of this Ordinance shall be deemed an agreement on the part of the Company to indemnify the City and hold it harmless against any and all liability, loss, damage or expense which may accrue to the City by reason of the neglect, default or misconduct of the Company in the construction, operation and maintenance of its lines and appurtenances hereunder.

Section 4. This Ordinance shall not be considered as granting to the Company any exclusive privilege of erecting poles and stringing wires in the streets or public grounds of the City.

Section 5. In consideration for the right to use the streets, alleys, highways and public grounds, the Company shall be prepared to and shall furnish twenty-four (24) hour, continuous electric or other services provided in the City to consumers in the City, including the City, unless prevented by causes not within its reasonable control, pursuant to the laws of the State of Minnesota and the rates, rules and regulations established from time to time by Company and/or the Minnesota Public Utilities Commission.

Section 6. This Ordinance supersedes and cancels the City of Finlayson, Ordinance No. 35, dated March 9, 1972, granting a permit to Company, 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 7. This Ordinance shall be void in all respects unless Company shall, by written acceptance filed with the City Clerk, accept the provisions hereof. This Ordinance, when so accepted, shall constitute a contract between the City of Finlayson and Minnesota Power & Light Company, its successors and assigns.

This Ordinance shall take effect from and after its passage and publication.

Passed and approved by the City Council of the City of Finlayson this 9th day of October 19 89.



SEAL

CITY OF Finlayson
By [Signature]
City Mayor
By [Signature]
City Clerk

The provisions of the foregoing Ordinance are hereby accepted.

Dated October 17 19 89.

MINNESOTA POWER & LIGHT COMPANY



SEAL

By [Signature]
Group Vice President
Customer Service
By [Signature]
Secretary