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ELECTRIC FRANCHISE ORDINANCE NO. 100 A
VILLAGE OF BROWNSDALE, MINNESOTA

AN ORDINANCE OF THE VILLAGE OF BROWNSDALE, COUNTY OF MOWER, STATE OF MINNESOTA, GRANTING TO INTERSTATE POWER COMPANY, A DELAWARE CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO ERECT, INSTALL, CONSTRUCT, RECONSTRUCT, REPAIR, OWN, OPERATE, MAINTAIN, MANAGE AND CONTROL AN ELECTRIC PLANT WITHIN THE CORPORATE LIMITS OF SAID VILLAGE AND AN ELECTRIC DISTRIBUTION SYSTEM CONSISTING OF POLES, WIRES, CONDUITS, PIPES, CONDUCTORS, AND OTHER FIXTURES IN, UNDER, OVER, ALONG, AND ACROSS THE STREETS, LANES, AVENUES, SIDEWALKS, ALLEYS, BRIDGES AND PUBLIC GROUNDS OF SAID VILLAGE FOR THE PURPOSE OF PRODUCING AND FURNISHING ELECTRIC ENERGY FOR LIGHT, HEAT, AND POWER PURPOSES TO THE INHABITANTS OF SAID VILLAGE FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM AND AFTER THE PASSAGE, APPROVAL AND PUBLICATION OF THIS ORDINANCE ACCORDING TO LAW.

THE VILLAGE COUNCIL OF BROWNSDALE, MINNESOTA, DO ORDAIN AS FOLLOWS:

Section I. That there is hereby granted unto Interstate Power Company, a Delaware Corporation, its successors and assigns, herein called the "Grantee," the right, permission, privilege, and franchise for a period of twenty-five (25) years from and after the taking effect of this Ordinance, subject only to the laws of the State of Minnesota, as now in force and to the conditions and limitations hereinafter contained, to erect, install, construct, reconstruct, repair, own, operate, maintain, manage and control and electric plant and an electric distribution system consisting of poles, conductors, and other fixtures within the limits of said municipality necessary, convenient or proper for the production, transmission, distribution, and delivery of electric energy to the inhabitants of said municipality for light, heat and power purposes.

Section II. That said Grantee, its successors, and assigns, is hereby granted the right-of-way, in, under, over, along and across the streets, lanes, avenues, sidewalks, alleys, bridges and public grounds of said municipality for the purpose of erecting, installing, constructing, reconstructing, repairing, owning, operating and maintaining, managing and controlling said electric plant and said electric distribution system.

Section III. That said Grantee shall hold said municipality free and harmless of and from any and all liability, damages, actions and causes of action caused by or through the neglect or mismanagement of the Grantee in the erection, installation, construction, reconstruction, repair, operation, maintenance, management, or control of said electric plant and electric distribution system.

Section IV. That said Grantee shall not, during the erection, installation, construction, reconstruction, repairing, operating and maintenance of said plant or distribution system, unnecessarily impede public travel on the streets, lanes, avenues, sidewalks, alleys, bridges and public grounds of said municipality, and shall leave all of said streets, lanes, alleys, avenues, sidewalks, bridges and public grounds upon which it may enter for the purpose herein authorized in as good condition as they were at the date of said entry.

Section V. That said municipality by resolution of its governing body, may, upon the written demand of any person whose dwelling or place of business located within said municipality, shall have been wired for electric service, require said Grantee to extend its said electric distribution system so as to furnish electric energy to said person, provided that said Grantee shall not be required to extend said electric distribution system farther than 150 feet for each such person, who has entered into

the customary one year service contract or if the extension is longer than 150 feet for each such person or customer, the Grantee shall expend for such extension an amount not greater than three times the estimated annual revenue from such extension, and at the Grantee's option, the customer or customers requiring such longer extension may be required to sign a contract for electric service with said Grantee for a five-year period, guaranteeing an annual revenue which will include fixed charges on the additional investment for the extension in excess of 150 feet for each customer.

Section VI. That whenever any person has obtained permission from the municipality to move any building or structure which may interfere with the poles, wires, or other fixtures of said Grantee, Grantee shall, upon five days notice thereof, and at the expense of the person desiring to move such structure, remove such poles, wires, or other fixtures as may be necessary to allow the passage of such structure, for a reasonable length of time, upon receipt from such person of satisfactory assurance covering the cost of any liability or damage resulting therefrom.

Section VII. That said municipality, at the end of any period of five years from the granting of this franchise, may acquire and thereafter operate the electric distribution system located in said municipality, then owned by said Grantee, its successors or assigns, under the provisions of Section 300.05, Minnesota Statutes, 1941, and all acts amendatory thereof and supplementary thereto that may be passed from time to time by the Legislature of the State of Minnesota.

Section VIII. That if any section or portion of a section of this Ordinance shall be declared null and void by any competent authority, the remaining portions hereof shall not be affected thereby.

Section IX. That all ordinances or resolutions or parts thereof heretofore adopted by said Municipality in conflict with the terms hereof are hereby repealed.

Section X. That this Ordinance shall take effect from and after its passage, approval and publication according to law.

APPROVED: November 2, 1953
HAROLD L. HARTSON (Signed)
MAYOR OF THE VILLAGE OF
BROWNSDALE, MINNESOTA