

An Ordinance of the Village of Brookdale, Minnesota, granting to Northern Natural Gas Company, a corporation, (Operating as PEOPLES NATURAL GAS division), its lessees, successors and assigns, a non-exclusive authority for a period of twenty-five (25) years to erect and maintain a gas plant and/or gas system and any and all necessary mains, pipes, services and other appliances thereunto appertaining in, upon, over, across and along the streets, alleys, bridges, public places of the Village of Brookdale, Minnesota, for the transmission, distribution and sale of natural gas for heating, industrial and all other uses and purposes in said Village, prescribing the terms and conditions under which the said Company is to operate, and repealing Ordinance No. 100 of said Village.

THE VILLAGE COUNCIL OF THE VILLAGE OF Brookdale DO ORDAIN AS FOLLOWS:

SECTION 1.

That Northern Natural Gas Company, a corporation, (operating as PEOPLES NATURAL GAS division), its lessees, successors and assigns, hereinafter referred to as Grantee, be and are hereby granted a non-exclusive authority for a period of twenty-five (25) years, to erect and maintain a gas plant and/or gas system and any and all necessary mains, pipes, services and other appliances thereunto appertaining in, upon, over, across and along the streets, alleys, bridges and public places in the Village of Brookdale, Minnesota, for the transmission, distribution and sale of natural gas for heating, industrial and all other uses and purposes in said Village.

SECTION 2.

Whenever the Grantee, in the construction or maintenance of its system or in the installation of any extension thereto, shall cut into or take up any pavement or shall make any excavation in any street, avenue, alley or public places, within the corporate limits of the Village, the same shall be done in a manner so as not to interfere with the use of such thoroughfares by the public. The Grantee shall use such safeguards as may be necessary to prevent injury to persons or property during such construction work, and upon its completion, all pavement shall be replaced in as good condition as it was before taken up. All excavations shall be refilled and all obstructions shall be removed at the expense of the Grantee and to the satisfaction of the Grantor. In the event that the Grantee shall fail to comply with the provisions of this section after having been given reasonable notice, the Grantor may do such work as may be needed to properly repair said thoroughfare and the cost thereof shall be repaid to the Grantor by the Grantee.

SECTION 3.

The Grantee in erecting and maintaining said gas distribution system, and in entering and using said streets, highways, avenues, alleys and public places in said Village and in laying its gas equipment, shall not in any manner interfere with or injure any improvement which said Village of Brookdale, Minnesota, now has or may hereafter have upon any of its streets, alleys, highways, or public places.

SECTION 8.

The Grantee shall hold the Grantor harmless from any and all claims and actions, litigation or damage, arising out of the passage of this Ordinance or of the construction, erection, installation, maintenance or operation of its properties operated by authority of this Ordinance within the corporate limits of the Village or the negligence of its employees in the operation thereof, including the Court costs and reasonable attorney fees in making defense against such claims. A copy of the process served upon the Grantor shall be served by the Grantor upon the Grantee. The Grantee shall have the right to defend in the name of the Grantor and to employ counsel for such purposes.

SECTION 9.

The Grantee shall not be required to extend its gas distribution system more than one hundred (100) feet for each customer to be served from any such extension thereof.

SECTION 10.

If the Grantee shall be in default in the performances of any of the terms and conditions of this Ordinance and shall continue in default for more than thirty days after receiving notice from the Village Council of such default, the Village Council may, by ordinance duly passed and adopted, terminate all rights granted under this Ordinance to the Grantee. The said notice of default shall specify the provision or provisions in the performance of which it is claimed the Grantee is in default. Said notice shall be in writing and served in the manner provided by the laws of Minnesota for the service of original notices in civil actions.

SECTION 11.

The right and authority herein granted shall be non-exclusive and shall be and continue for a period of twenty-five (25) years from and after the date of the legal enactment of this Ordinance and the acceptance thereof by the Grantee.

SECTION 12.

This Ordinance, as of the effective date hereof, repeals Ordinance No. of the Village of , Minnesota, and shall be in full force and effect from and after its passage and publication as required by law, and the acceptance thereof by the Grantee.

Passed, adopted and approved this 22 day of September,

19 64.

Glen H. Stanton

Mayor

ATTEST:

Lester Kirchner

Village Clerk

The foregoing Ordinance is approved and signed by me this 22nd
day of September, 19 64.

Glen H. Stanton

Mayor of the Village of Brownsdale
Minnesota.

The motion for passage and adoption of said Ordinance No. 100 was seconded by Glenn Stanton, a trustee of said Village. Said Ordinance was thereupon read aloud by the Clerk of said Village and after a discussion thereof, Glenn Stanton, who was presiding at the meeting, presented the motion for a vote on the passage and adoption of said Ordinance by ayes in favor of the passage and adoption and by nays against the same, which vote resulted as follows:

Ayes five

Nays none

WHEREUPON, it appearing that there were five ayes for the passage and adoption of said Ordinance and no nays against the passage and adoption thereof, Glenn Stanton, who was presiding, declared said Ordinance No. 100 duly passed and adopted and he signed and approved the same and the same was duly signed, sealed and attested by Lester Kirchner, the Village Clerk of said Village.

WHEREUPON, the following resolution was offered by Lester Kirchner, Village Clerk, who moved its adoption:

BE IT RESOLVED by the Village Council of the Village of Brookdale, Minnesota that Ordinance No. 100 be published in the Brookdale Daily Herald, a newspaper published in the County of Wagoner, Minnesota and of general circulation in the Village of Brookdale, Minnesota on the 1st day of October, 19 64, as by law required.

Motion to adopt this resolution was seconded by _____,

and _____, who was presiding, presented the same for vote thereon by ayes in favor of such motion and nays against the same, which vote resulted as follows:

Ayes _____ five _____

Nays _____ none _____

WHEREUPON, the Mayor declared the resolution duly adopted by the Council. There being no further business to come before the Council, upon motion being duly made, seconded and carried, the meeting was adjourned.

Alan H. Stanton

Mayor

ATTEST:

Lester Kriebner

Village Clerk

(S E A L)