

ORDINANCE NO. 54

Electric Franchise

An ordinance of the Village of Lamberton, State of Minnesota, granting to the Interstate Power Company, its successors and assigns, permission to erect, install, construct, repair, own, operate, maintain, manage and control an electric light, heat and power plant within the corporate limits of said village, and electric distribution system consisting of poles, wires, conduits, pipes and other fixtures in, under, over, along, and across the streets, sidewalks, alleys, bridges and public grounds of said Village of Lamberton, for the purpose of furnishing electricity for light, heat and power purposes, to said Village and its inhabitants, for a period of ten (10) years from and after the passage, approval and publication of this ordinance according to law.

Sec. 1.—That there is hereby granted unto Interstate Power Company, a Delaware Corporation, with offices at Dubuque, State of Iowa, its successors and assigns, herein called the "grantee," the right, permission, privilege, and franchise, for a period of ten (10) years from and after the taking effect of this ordinance, subject only to the Laws of the State of Minnesota, as now in force or as may hereafter be in force, and to the conditions and limitations hereinafter contained, to erect, install, construct, reconstruct, repair, own, operate, maintain, manage and control an electric light, heat and power plant, and electric distribution system consisting of poles, wires, conduits, pipes and other fixtures, within the limits of said Village, necessary, convenient, or proper for the production, transmission, distribution and delivery of electricity for light, heat and other purposes, to said Village of Lamberton and its inhabitants.

Sec. 2.—That said grantee, its successors and assigns, are hereby granted the right of way in, under, over, along, and across the streets, sidewalks, alleys, bridges and public grounds of said Village of Lamberton for the purpose of erecting, installing, constructing, reconstructing, repairing, owning, operating, maintaining, managing and controlling said electric light, heat and power plant,

and said electric distribution system.

Sec. 3.—That said grantee shall hold said Village of Lamberton free and harmless of and from any and all liability, damages and causes of action, caused by or through neglect or mismanagement of the grantee in the erection, installation, construction, reconstruction, repair, operation, maintenance, management and control of said electric plant and distribution system.

Sec. 4.—That said grantee shall not, during the erection, installation, construction, reconstruction or repairing of said plant, or distribution system, unnecessarily impede public travel on the streets, sidewalks, alleys, bridges and public grounds of said Village of Lamberton, and shall leave all of said streets, sidewalks, alleys, bridges, and public grounds upon which it may enter for the purposes herein authorized, in as good condition as they were at the date of said entry.

Sec. 5.—That said grantee shall not be required to extend any line of its electric distribution system farther than three hundred feet (300) in order to serve any one customer.

Sec. 6.—That any person desiring to move any building or other things in, over, along, or across any of the streets, sidewalks, alleys, bridges or public grounds of said Village of Lamberton, whereby the poles, wires, conduits, pipes or other fixtures of said grantee, or their use, shall or may be interfered with, shall make written application therefor to said Village of Lamberton, specifying in said application the building or thing to be moved, the proposed route to be followed and the date for such moving, which shall not be less than five days from the presentation of said application. If said application shall be granted, the Village of Lamberton shall give said grantee notice thereof at least five days prior to the date of said moving; and said grantee shall thereupon, but at the expense of said applicant, temporarily remove such poles, wires, conduits, pipes or other fixtures as may be necessary to allow the passage of said building or other thing, for a reasonable length of time not exceeding five (5) hours in any one day and between the hours of 8 o'clock A. M. and 3 o'clock P. M.; provided, however, that said grantee shall not be required to remove any such poles, wires, conduits, pipes or other fixtures until said applicant shall have delivered to it a bond in form and with surety or sureties satisfactory to said grantee, or shall give satisfactory assurance to said grantee, covering the entire cost of the removal and replacement of such poles, wires, conduits, pipes, and other fixtures and any and all damage, liability, action or cause of action resulting therefrom.

Sec. 7.—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.

Sec. 8.—That all ordinances or parts of ordinances heretofore adopted by the Village of Lamberton, in conflict with the terms hereof are hereby repealed.

Sec. 9.—That this ordinance shall take effect from and after its passage, approval and publication according to law.

Approved December 5, 1929.

C. N. CARVER,
President of Village Council.

Attest:
F. A. Beiersdorf,
Village Clerk.