

NATURAL GAS FRANCHISE
ORDINANCE NO. 108-2013

AN ORDINANCE OF THE CITY OF ROSE CREEK, COUNTY OF MOWER, STATE OF MINNESOTA, GRANTING TO INTERSTATE POWER AND LIGHT COMPANY (COMPANY), ITS SUCCESSORS AND ASSIGNS, PERMISSION TO OPERATE A NATURAL GAS PUBLIC UTILITY AND AUTHORITY TO ERECT, INSTALL, CONSTRUCT, EXTEND, MANAGE, CONTROL, OPERATE, MAINTAIN, REPAIR, REPLACE AND REMOVE A SYSTEM FOR THE MANUFACTURE, DISTRIBUTION AND SALE OF NATURAL AND ARTIFICIAL GAS OR A MIXTURE THEREOF, IN, UPON, OVER, ACROSS, ALONG, AND UNDER THE STREETS, ROADS, ALLEYS, AVENUES, SIDEWALKS, BRIDGES, PARKWAYS AND OTHER PUBLIC GROUNDS IN SAID MUNICIPALITY FOR THE PURPOSE OF FURNISHING GAS TO SAID MUNICIPALITY AND ITS INHABITANTS FOR LIGHT, HEAT, POWER AND ANY OTHER PURPOSES FOR WHICH GAS MAY BE USED, FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM AND AFTER THE PASSAGE, APPROVAL AND PUBLICATION OF THIS ORDINANCE ACCORDING TO LAW.

THE CITY COUNCIL OF Rose Creek, MINNESOTA DOES ORDAIN AS FOLLOWS:

Section 1. That the City of Rose Creek, a Municipal Corporation, organized and existing under any by virtue of the laws of the State of Minnesota, herein called the "Municipality," grants unto INTERSTATE POWER AND LIGHT COMPANY, its successors and assigns, herein called the "Company," 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, extend, manage, control, operate, maintain, repair, replace and remove a system for the manufacture, distribution and sale of natural or artificial gas or a mixture thereof, to Municipality and its inhabitants for light, heat, power and any other purposes for which gas may be used.

Section 2. That said Company, its successors and assigns, is hereby granted the right to occupy and utilize the public ways and public grounds of the City, for the purpose of operating a public utility, including erecting, installing, constructing, extending, managing, controlling, operating, maintaining, repairing, replacing, and removing all necessary plants, works, mains, services, conduits pipes, tanks, and apparatus, necessary or convenient for such system. Public ways means in, upon, over, across, along and under the streets, roads, alleys, avenues, sidewalks, bridges, parkways, and other public grounds in said Municipality. Public grounds means all property owned by or dedicated to the Municipality with respect to which the Municipality holds the legal right or title.

Section 3. That said Company shall hold Municipality free and harmless of and from any and all liability, damages, actions and causes of action, caused by or through the negligence or mismanagement of the Company in the erection, installation, construction, extension, operation, maintenance, repair, replacement and removal of said plant and distribution system.

Section 4. That said Company shall not, during the erection, installation, construction, reconstruction, extension, operation, maintenance, repair, replacement and removal of said plant or distribution

system, unnecessarily impede public travel on the streets, roads, alleys, avenues, sidewalks, bridges, parkways, and other public grounds of said Municipality, and shall leave all of said streets, roads, alleys, avenues, sidewalks, bridges, parkways, and other 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. Whenever the Company shall take up or disturb any pavement, or any other improvement of any streets, roads, alleys, avenues, sidewalks, bridges, parkways, and other public ground of said Municipality, in connection with the construction, maintenance or operation of its said system for the distribution of gas, same shall be promptly replaced in as good condition as they were before being disturbed.

Section 5. That said Company, in constructing and maintaining its gas distribution system and in entering and using said streets, roads, alleys, avenues, sidewalks, bridges, parkways, and other public grounds in said Municipality, shall take care not to unnecessarily interfere with or injure any improvements which said Municipality now has or may hereafter have, upon any of its streets, roads, alleys, avenues, sidewalks, bridges, parkways, and other public grounds.

Section 6. That said Company shall have the right, also, for the purpose of supplying gas to the inhabitants of said Municipality and in the vicinity thereof, to lay and maintain gas mains or pipelines for the procuring or gas from sources outside said Municipality and also for the distribution of gas for supplying of persons outside of, and beyond, the limits of said Municipality.

Section 7. That said Company will extend service to any customer within the corporate limits of the Municipality in accordance with the Service Standards of the Company as filed with the Minnesota Public Service Commission of the State of Minnesota. In the event that the pipeline company furnishing natural gas to the Company is unable to furnish the Company's full gas service requirements for service in the Municipality, the Company shall have the right to prescribe reasonable rules and regulations for allocating the available supply of natural gas to existing and prospective firm gas users.

Section 8. That the pipes and other facilities, placed in the public ways and public grounds in said Municipality, shall be exempt from any special tax, franchise fee, assessment license or rental charge during the entire term of this Ordinance.

Section 9. 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 10. That all ordinances or resolutions or parts thereof heretofore adopted by said Municipality in conflict with the terms hereof are hereby repealed.


Section 11. That this Ordinance shall take effect from and after its passage, approval and publication according to law.

Approved:  2013

11/13/2013


PETER KUHLMANN, Mayor

ATTEST:


JANET NELSEN, City Clerk

(CITY SEAL)