

ELECTRIC FRANCHISE  
ORDINANCE NO. 87

AN ORDINANCE OF THE CITY OF ROSE CREEK , 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 CITY AND AN ELECTRIC TRANSMISSION AND 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 CITY FOR THE PURPOSE OF PRODUCING AND FURNISHING ELECTRIC ENERGY FOR LIGHT, HEAT AND POWER PURPOSES TO THE INHABITANTS OF SAID CITY 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, 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 an electric plant and an electric transmission and distribution system consisting of poles, wires, conduits, pipes, 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, maintaining, managing and controlling said electric plant and said electric transmission and 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 transmission and distribution system.

Section IV. That said Grantee shall not, during the erection, installation, construction, reconstruction, repair, operation and maintenance of said plant or transmission and 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, avenues, sidewalks, alleys, 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 Grantee will extend service to any customer within the corporate limits of the Municipality in accordance with the Service Standards of Grantee as filed with the Public Service Commission of the Department of Public Service of the State of Minnesota.

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 such removal and replacement and any liability or damage resulting therefrom.

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or resolutions or parts thereof heretofore adopted by said Municipality in conflict with the terms hereof are hereby repealed.

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

APPROVED: June 6, 1989.

Erud Lickteig  
MAYOR OF THE CITY OF  
ROSE CREEK, MINNESOTA

Arnet Nelson  
CLERK