

ORDINANCE NO. 233

BE IT ORDAINED by the City Council of the City of Golden, State of Colorado:

SECTION ONE: On February 4, 1921, the Council of said City passed and adopted, and the Mayor thereof signed and approved, and the Clerk thereof attested a franchise ordinance, the body of which follows:

“BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, JEFFERSON COUNTY, COLORADO.

Article I

“The word ‘City,’ as hereinafter employed, shall designate the City of Golden, County of Jefferson, State of Colorado, the grantor, and the word ‘Company’ shall designate the Jefferson County Power and Light Company, a corporation, its successors and assigns, the grantee.

Article II

“Section 1. That there be and hereby is granted to the Company, the right, privilege and authority to erect, construct, maintain, extend and operate within the corporate limits of said City, and any future additions thereto, one or more electric Substations, electric light and power plants with the transmission and distribution system or systems appertaining thereto, of as large capacity as the Company may deem advisable or necessary, for which purpose said Company is hereby further granted the right, privilege and authority of installing, operating upon, across, along, under and over any and all streets, alleys and public grounds of the City, transmission and distribution equipment consisting of underground conduits, poles and cross arms, underground or overhead wires and cables, transformers and all other appliances necessary or convenient for the generation, sale transmission, distribution and delivery of electricity, electrical energy and power, within the corporate limits of the City, or any future addition thereto, for the use of said City and the inhabitants thereof, and any person, persons or corporation in or doing business in said City, or the vicinity thereof, or in any future addition thereto, for light, heat, power or any other lawful purpose.

“Section 2. That there be and hereby is further granted to the Company the right, rights of way, privilege and authority, in the erection, construction, operation and maintenance of its said electrical plant or plants, to bring into the corporate limits of said City, transmission lines or wires from outside said corporation limits or any addition thereto, and to transmit and distribute the same within the corporate limits of said City, or any

addition thereto, or outside thereof and to extend and transmit the same through the corporate limits of said City, or any addition thereto.

“Section 3. The location of all such structures, apparatus, and equipment of the Company shall be such as not to interfere unnecessarily with the use of streets and alleys for traffic, nor with the use of any gate, coal chute, manhole, door or other aperture in any fence or building, or to interfere with the rights or reasonable conveniences of property owners adjoining any of the said streets or alleys; and should it become necessary to interfere with any sidewalk or pavement, or any other public or private improvement, the Company shall repair such sidewalk, pavement, or other improvement, and leave it in as good order and condition as it formerly was; and all of said structure, apparatus and equipment shall at all times be subject to such police power, reasonable dominion and regulation as the City Council may by resolution or ordinance hereafter provide.

“Section 4. The Company shall have the right, power and authority to employ any lawful means to secure and acquire power to operate any of its structures or plants, and to generate, supply and furnish electricity, electrical energy and power to said City, and the inhabitants thereof.

“Section 5. That the Company shall so maintain its structures, apparatus and equipment, as to afford all reasonable protection against injury or damage to persons or property therefrom; and the Company shall save the City free and harmless from all liability or damage accruing against said City, by reason of the Company's negligence in the exercise of the rights and privileges granted by this ordinance.

Article III

“Section 1. It shall be unlawful for any person to cut or raise any wires or remove any poles, or in any other way interfere with any of the Company's structures, apparatus, equipment or lines without first giving the Company forty-eight hours' notice of such desire or intention, stating the time and place where such wires are to be cut or raised, or poles removed, or structures, apparatus, or equipment interfered with, in order that the Company may arrange to perform or over see such work, and the Company may demand and receive reasonable compensation for any damages that may occur.

“Section 2. Any person found guilty of a violation of Section 1 Article III of this ordinance shall, upon conviction be fined in any sum of not less than Twenty-five Dollars (\$25.00), or more than One Hundred (\$100.00) Dollars.

So
and
Franchise
Company
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Also
Done
22

ORDINANCE NO. 233

Article IV

"Section 1. That the Company shall furnish electricity and electrical energy in sufficient amount for lighting, heating, power or for any other lawful purpose, within the corporate limits of the City, or any additions thereto, to any person or persons, or corporation doing business in the City, or any additions thereto at the rates filed with and fixed by the Colorado Public Utilities Commission or its legal successors, except when prevented by strikes, unforeseen accidents, acts of God or other circumstances over which said Company has no control.

"Section 2. The Company may promulgate such rules governing the utilization of its electricity, and the interference with, or alteration of, any of the Company's property upon the premises of its customers, as shall be necessary to insure a continuous and uninterrupted service to each and all of its customers and the proper measurement thereof.

"Section 3. The Company or any of its agents or servants shall have the right and privilege to enter in and upon the premises of any customer at any and all reasonable times for the purpose of carrying out the provisions of this franchise.

Article V

"Section 1. This ordinance shall be in full force and effect from and after its passage, approval and publication, as by law required, and acceptance and approval thereof in writing by the Company within thirty-five (35) days from and after said publication.

"Section 2. This ordinance shall remain in full force and effect, and the terms, conditions and covenants hereof shall endure for a period of Twenty-five (25) years from and after its passage, approval and publication, and acceptance and approval by the Company, as aforesaid.

"Section 3. The City reserves and shall have the right and power to purchase or condemn the plant of the Company, within the corporate limits or any additions thereto, as provided by law.

"Section 4. Upon expiration of this franchise if the Company shall not have acquired an extension or renewal thereof and accepted the same, it may have, and it is hereby granted the right, to enter upon the streets, alleys and other public places of the City for the purpose of removing therefrom any or all of its substations, structures, apparatus and equipment, transmission and distribution system and appliances, poles and wires, pertaining thereto, at any time within One (1) year after the termination of this franchise. In so removing its transmission and dis-

tribution system and appliances pertaining thereto, the Company shall, at its own expense, refill any excavations that may be made by it, and shall leave such streets, alleys and other public places in as good condition as that prevailing prior to the Company's removal of its equipment and appliances.

"Section 5. Nothing in this ordinance shall be construed to prevent the Company from assigning all of its right, title or interest, gained or authorized under or by virtue of the terms of this ordinance.

"Section 6. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

"Passed, adopted and approved at a regular meeting of the City Council of the City of Golden, State of Colorado, held this 4th day of February, A. D. 1921.

D. E. Garvin,
"Mayor

"Attest:
(SEAL)

H. T. Curry,
"City Clerk"

SECTION TWO: On, to wit, December 6, 1926, Colorado Central Power Company, a corporation, acquired and thereafter exercised said franchise rights.

On November 7, 1941, the said franchise rights were extended for a period of ten (10) years—until February 4, 1956, by Ordinance No. 189, passed and adopted by the Council of said City, signed and approved by the Mayor and attested by the Clerk thereof.

SECTION THREE: The said rights and privileges granted in and by said original ordinance, as aforesaid, are hereby again extended for a period of five (5) years from and after the said previous extension period, and the same rights and privileges are hereby granted to said Colorado Central Power Company for a period ending at the end of the period for which extension is hereby purported to be made, or until February 4, 1961.

SECTION FOUR: The rights and privileges so extended and herein granted, shall inure to, and the said conditions and obligations shall be binding upon, the successors and assigns of Colorado Central Power Company.

SECTION FIVE: The rights herein granted to Colorado Central Power Company, its successors and assigns, are subject to the condition agreed to by said Company, that there will be passed on to consumers of electricity in said City, their pro-rata share of any reduction in cost of electricity to the said Company, its successors and assigns, resulting from any future acquisition of hydroelectric energy to be supplied by any Governmental department or agency.

ORDINANCE NO. 233

SECTION FIVE-A. Colorado Central Power Company shall pay in semi-annual installments to the City of Golden compensation in the nature of a pole tax on all poles in the city limits, now or hereafter in place, of one dollar and fifty cents (\$1.50) per pole per year.

SECTION SIX: Whereas, Colorado Central Power Company, immediately after this ordinance becomes effective, will file with The Public Utilities Commission of the State of Colorado a tariff reducing all domestic and commercial rates to its consumers in said City; and Whereas said Company immediately after the effective date hereof will increase the illumination of the thirty-eight (38) lights in what is known as the white-way street lighting system, and will lower the total annual charge for street lighting through the street lighting system in said City; and Whereas, in the opinion of the City Council, an emergency exists, and this Ordinance is necessary to the public peace, health and safety, therefore this ordinance shall be in full force and effect upon the expiration of five (5) days after its final publication, provided said Company within said period of five (5) days, shall have filed its acceptance of the terms and conditions hereof.

Passed and Approved this 3rd day of October, 1947.

J. M. KELLOGG,
Mayor of the City of
Golden, State of Colorado.

ATTESTATION AND
CERTIFICATION

I hereby attest and certify that on August 1, 1947, at a regular meeting of the City Council of the City of Golden, State of Colorado, there was presented to said Council by James W. Cryder, president of Colorado Central Power Company, a corporation, proof of publication in the Colorado Transcript, a weekly newspaper of general circulation published in said City, for a period of two (2) weeks immediately prior to said regular meeting of intention of said Colorado Central Power Company to apply at said meeting for the passage of an Ordinance extending and granting franchise rights to said corporation, which said notice includes the proposed ordinance in full, and that at said time and place the said James W. Cryder, as such president, presented said proposed Ordinance; that thereupon said proposed Ordinance was read in full, and the said Council, desiring to consider the same further, ordered said Ordinance published in said newspaper for a period of two (2) weeks prior to September 5, 1947, and ordered said Ordinance to come on for further consideration and upon its passage at the next regular meeting of said Council to be held on September 5, 1947.

I further attest and certify that at said regular meeting of said Council held on September 5, 1947, proof of said publication of said Ordinance in said newspaper for a period of two (2) weeks prior to September 5, 1947, was presented; that thereupon said Ordinance was then again read in full.

After said Ordinance had been so read, upon motion duly made and seconded, said Council amended SECTION THREE of, and added SECTION FIVE-A to, said Ordinance. Thereupon the said Council ordered that said Ordinance, as amended, be published in said newspaper for a period of two weeks prior to October 3, 1947, and ordered that said Ordinance, as amended, come on for further consideration and upon its passage at the next regular meeting of said Council, to be held on Friday, October 3, 1947.

I further certify that at the regular meeting of said Council held on October 3, 1947, proof of publication of said Ordinance as amended, in said newspaper for a period of two (2) weeks prior to October 3, 1947, was presented to the said Council, and that thereupon the said Ordinance, as amended, was read in full; that upon motion duly made and seconded, said Council voted in favor of passage of said Ordinance, as amended, and ordered the publication thereof according to law; and that thereupon the Mayor of said City signed his approval of said Ordinance, as amended, and as passed.

I further certify that the foregoing Ordinance is the said Ordinance as amended, and as finally passed and approved, as aforesaid, and that the vote of said Council on final passage was six ayes in favor thereof, and no votes in opposition thereto.

(SEAL) BLANCHE E. REEVES,
City Clerk and Recorder of
the City of Golden, State of
Colorado.