

**ORDINANCE NO. 394**

AN ORDINANCE BY THE CITY OF POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE AUTHORIZING THE CONSTRUCTION, ACQUISITION, MAINTENANCE AND OPERATION IN AND THROUGH SAID CITY, AND ALL ADDITIONS THERETO, OF PLANTS, WORKS AND SYSTEM FOR THE MANUFACTURE OR GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY, AND THE SALE THEREOF TO SAID CITY AND TO CONSUMERS THEREIN, FOR LIGHT, HEAT, POWER AND OTHER PURPOSES BY MEANS OF CONDUITS, CABLES, POLES, WIRES AND ANY OTHER DEVICE OR MEANS USED FOR, OR IN, THE MANUFACTURE OR GENERATION, DISTRIBUTION, TRANSMISSION AND SALE OF ELECTRIC ENERGY, CONSTRUCTED IN, ALONG, ACROSS, OVER, UNDER AND THROUGH ALL STREETS, ALLEYS, PUBLIC WAYS AND PLACES IN THE CITY, AND IN ALL ADDITIONS THERETO, AND FIXING THE TERMS AND CONDITIONS THEREOF.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GOLDEN, STATE OF COLORADO:

"SECTION ONE: The franchise and right is hereby granted by the City of Golden, State of Colorado, hereinafter called the "City", to Colorado Central Power Company, a corporation, hereinafter called the "Company", its successors and assigns, for the period hereinafter stated, to locate, build, construct, acquire, extend, maintain and operate into, within and through the City, and all additions thereto, a plant or plants, works and system for manufacture or generation, transmission and distribution of electric energy, and the sale thereof to the City and to consumers therein, for light, heat, power and other purposes by means of conduits, cables, poles, wires, and any and all other devices or means used for, or in, the manufacture or generation, distribution, transmission and sale of electric energy, constructed in, along, across, over, under and through all streets, alleys, public ways and places in the City and in all additions thereto.

"SECTION TWO: The Company shall maintain in good order all poles, lamps, wires, and other appurtenances placed in the streets, avenues, alleys, and public places in the City. All wires shall be strung and maintained in accordance with the National Electrical Safety Code. After any excavations made, or any work done, by it in any such streets, avenues, alleys or public places, the Company shall restore such streets, avenues, alleys and public places to their original condition so far as is reasonably possible. Where poles are set in alleys they shall be placed as near side lines as possible. When set in streets, poles shall be placed close to the curb, if any, between sidewalk, if any, and street. The right privilege, and permission is also granted the Company to trim trees located on said streets, alleys, highways, and public grounds where necessary for safe and proper maintenance of its aforesaid equipment, subject to the approval of

the City.

"SECTION THREE: The said Company, its successors and assigns, 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, its successors and assigns, will hold the City harmless from any damages, arising from the negligence of the Company, its successors and assigns, to persons or property, in the construction, maintenance and operation of the electric system or plant in the City.

"SECTION FOUR: The right is hereby reserved by the City to place any wires for fire or police alarm purposes upon any poles, or in any conduits, of the Company, provided that the placing thereof does not interfere with the proper use of said poles, conduits and lines of the Company, and provided, further that the Company shall not be held responsible for damages or injuries resulting from such use of said poles or conduits by the City.

"SECTION FIVE: All rates, rules and regulations applicable to service in the City shall be those in lawful effect from time to time, and shall at all times be subject to regulation by The Public Utilities Commission of the State of Colorado, and as is provided by law.

"SECTION SIX: Service by the Company shall be continuous, insofar as may be reasonably possible, interruptions of service by strikes, accidents, acts of God and contingencies beyond the reasonable control of the Company excepted.

"SECTION SEVEN: The City reserves the right to purchase or condemn at any time the electric works of the Company, its successors and assigns, located in the City and used for the purpose of rendering service therein, at its actual cash value, and at a price excluding all value of the franchise or right-of-way through the streets, and also excluding any value by virtue of any contract or private rental or otherwise entered into with the municipality in excess of the actual value of the works.

"SECTION EIGHT: The City agrees to purchase from the Company, during the term of this franchise, all electric energy used by it for light, power heat and other purposes.

"SECTION NINE: The franchise rights and privileges herein granted shall be for a period of twenty-five (25) years from the effective date hereof.

"SECTION TEN: If and when this franchise ordinance comes into lawful force and effect, the same shall supersede the franchise rights and obligations which the Company now has in the City, and said rights and obligations shall be deemed, and they hereby are, repealed with the consent of the Company.

"SECTION ELEVEN: The Company shall file with the City Clerk of the City, in writing, within five (5) days after final passage of this Ordinance by the City Council and the approval thereof by the Mayor of the City, its acceptance of the terms and

conditions hereof, and in the event of failure on the part of the Company to file such acceptance as herein provided, the City Council may, by resolution spread upon the minutes of said Council, declare this Ordinance to be absolutely null and void."

Introduced and read and ordered published the 11th day of October, A. D., 1956.

Passed and approved and ordered published this 8th day of November, A. D., 1956.

CLARK B. CARPENTER  
Mayor

Attest:  
B. O. BEAUSANG  
City Clerk

Approved as to form:  
WILLIAM D. JOHNSON  
City Attorney

I, B. O. Beausang, City Clerk of the City of Golden, Colorado, do hereby attest and certify that at a regular meeting of the City Council of the City of Golden, State of Colorado, held on Thursday, October 11, 1956, J. E. Wilson, Vice-President of Colorado Central Power Company, a corporation, appeared before said Council and presented lawful proof of publication in The Golden Outlook, a paper of general publication published weekly in said City, (there being no paper of general circulation published daily in said City) for a period of not less than two weeks immediately prior to the said meeting held on October 11, 1956, of said corporation's intention to apply to the said Council at said meeting for the passage of a franchise ordinance, granting a franchise to said Colorado Central Power Company, its successors and assigns, and that at said time and place said J. E. Wilson, as such vice-president, presented such proposed ordinance in full in the form of a bill therefor; that thereupon said proposed ordinance was read in full; that thereupon on motion duly made and seconded, the said City Council unanimously ordered the language "Clerk and Recorder of the City", found in Section Eleven thereof, be amended on the face of said proposed franchise ordinance to read "City Clerk of the City"; that said City Council, desiring to further consider the granting of the rights or privileges sought by said proposed ordinance as so amended, ordered the same published weekly in The Golden Outlook for a period of not less than two weeks prior to the time—November 8, 1956—when said ordinance, as amended, would again be read and put upon its passage.

I further attest and certify that at the regular meeting of said Council held on Thursday, November 8, 1956, proof of publication of said proposed ordinance, as amended, in said paper for a period of not less than two weeks prior to November 8, 1956, was presented, and that at said meeting said proposed ordinance, as amended, was then again read in full, and put upon its passage; that 8 members of the said Council (the Mayor not voting) voted in favor of the passage thereof and no members thereof voted against its passage.

That thereupon the Mayor of said City duly signed his approval of said ordinance

Dated November 8, 1956.  
(SEAL)

B. O. BEAUSANG  
City Clerk of the City of Golden, State  
of Colorado.