

CERTIFICATE AS TO INTRODUCTION,  
PASSAGE AND SIGNATURE BY MAYOR  
OF ORDINANCE NO. 127

I, Joseph S. Chavez, the duly qualified and acting Town Clerk of the Town of La Jara, Conejos County, Colorado, certify that the annexed Ordinance No. 127 of said Town of La Jara granting to PUBLIC SERVICE COMPANY OF COLORADO a franchise for the purposes therein mentioned was, after proper publication of Notice of Application, introduced and read in full at the regular meeting of the Board of Trustees of said Town of La Jara held on June 1, 1965.

That thereafter said Ordinance No. 127, as introduced and read, after having been published in the La Jara Gazette, a weekly paper of general circulation in said Town of La Jara, for a period of not less than two weeks or three consecutive insertions thereof prior to the time when such ordinance was to be again read, was again read in full at a regular meeting of the Board of Trustees of said Town of La Jara on July 6, 1965, and after so being read was by a majority vote of all the members of said Board of Trustees by aye and nay vote, regularly passed and adopted as Ordinance No. 127 of said Town of La Jara.

That after said ordinance was passed and adopted by the Board of Trustees of said Town, it was presented within 48 hours after passage to James McDaniel, the Mayor of said Town, and was immediately signed by him as Mayor and attested by me as Town Clerk under the Seal of the said Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of La Jara, Conejos County, Colorado, this 6th day of July, A.D. 1965.

  
Town Clerk

SEAL

CERTIFICATE AS TO RECORDING

OF ORDINANCE NO. 127

I, Joseph S. Chavez, the duly qualified and acting Town Clerk of the Town of La Jara, Conejos County, Colorado, certify that on the 6th day of July, 1965, I did cause to be recorded in the Ordinance Book of the Town of La Jara, Ordinance No. 127 granting Public Service Company of Colorado a franchise as signed by James McDaniel, Mayor, and attested by me as Clerk, under the seal of the Town, which Ordinance so signed and attested and recorded in the Ordinance Book was authenticated in the Ordinance Book by the signature of the Mayor and of myself as Clerk of said Town under the seal thereof.

Dated at La Jara, Colorado, this 6th day of July, 1965.

  
Town Clerk

SEAL

LA JARA GAZETTE

STATE OF COLORADO ) ss.  
COUNTY OF CONEJOS)

I, Mary Mull, do solemnly swear that I am the publisher of the LA JARA GAZETTE, that the same is a weekly newspaper printed in whole or in part, and published in the County of Conejos, State of Colorado, and has a general circulation therein that said newspaper has been published continuously and uninterruptedly in said County of Conejos for a period of more than fifty-two weeks next prior to the first publication of the annexed legal notice or advertisement, that said newspaper has been admitted to the United States mails as second-class matter under the procession of the act of congress of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices, and advertisements within the laws of the state of Colorado.

That the annexed legal notice, or advertisement was published in the regular and entire issues of every number of said weekly newspaper for a period of 3 consecutive insertions, and that the first publication of said notice was in the issues of said newspaper dated May 14, 1965, and that the last publication of said notice was in the issue of said newspaper dated May 28, 1965.

In witness whereof I have hereunto set my hand this 31st day of May, 1965.  
Mary Mull  
Publisher.

NOTICE OF APPLICATION FOR FRANCHISE BY PUBLIC SERVICE COMPANY OF COLORADO

Pursuant to the Statutes of the State of Colorado, notice is hereby given that at a regular meeting of the Board of Trustees of the Town of La Jara, County of Conejos, State of Colorado, to be held on 1st day of June, 1965, at the hour of 8:00 o'clock P. M., at the Town Hall in the Town of La Jara, Colorado, the PUBLIC SERVICE COMPANY OF COLORADO, a corporation duly organized and existing under and by virtue of the laws of the State of Colorado, will make application to said Town for the passage of an ordinance granting to said Public Service Company of Colorado a franchise in said Town and said ordinance and franchise to be so submitted and applied for is annexed hereto and is in words and figures as therein set forth.

DATED AT DENVER, COLORADO, this 13th day of May, A. D. 1965.

PUBLIC SERVICE COMPANY OF COLORADO  
By W. W. HOWELL,  
Vice President

ORDINANCE NO. —

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF LA JARA, CONEJOS COUNTY, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF LA JARA, A PLANT OR PLANTS, SUBSTATIONS, AND WORKS, FOR THE PURCHASE, MANUFACTURE, GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRICAL ENERGY AND GAS, EITHER NATURAL, ARTIFICIAL OR MIXED, AND TO FURNISH, SELL AND DISTRIBUTE SAID ELECTRICAL ENERGY AND GAS, TO THE TOWN OF LA JARA AND THE INHABITANTS THEREOF, FOR LIGHT, HEAT AND POWER, OR OTHER PURPOSES, BY MEANS OF PIPES, MAINS, CONDUITS, CABLES, POLES WITH WIRE STRUNG THEREON OR OTHERWISE, ON, OVER, UNDER, ALONG, ACROSS AND THROUGH ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF LA JARA, AND FIXING THE TERMS AND CONDITIONS THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA, CONEJOS

that the Company shall have had notice of the pendency of any action against the Town arising out of such exercise by the Company of said rights and privileges and be permitted at its own expense to appear and defend or assist in the defense of the same.

Section 4. Changes at Company Expense. If at any time it shall be necessary to change the position of any pole, gas main or service connection of the Company to permit the Town to change street grades or make street or sidewalk improvements, such changes shall be made by the Company at its own expense.

Section 5. Use of Poles by Town. The Town shall have the right, without cost, to use all poles of the Company within said Town for the purpose of stringing wires thereon for its fire alarm and police signal systems; provided, however, the Company assumes and shall be subject to no liability and shall be subject to no additional expense in connection therewith. It is further provided that the use of said poles by said Town shall not interfere in any unreasonable manner with the Company's use of same.

ARTICLE III

Section 1. Heating Value. The natural gas to be supplied hereunder shall contain a monthly average gross heating value of not less than the heating value set forth in applicable and effective Rules and Regulations on file from time to time with The Public Utilities Commission of the State of Colorado.

Section 2. Adequacy of Supply. If during the term of this franchise there occurs a failure or partial failure of the supply of natural gas available to Company because of the depletion of such supply, the Company shall take all reasonable steps to obtain an additional natural gas supply from other sources to be delivered to the Company, and if unable to procure same it is hereby authorized to supply artificial or mixed gas for the unexpired term of this franchise.

ARTICLE IV

Section 1. Rates - Regulations. The Company shall furnish electrical energy and gas within the corporate limits of the Town or any addition thereto, to the Town, and to the inhabitants thereof, and to any person or persons or corporation doing business in the Town or any addition thereto, at the rates and under the terms and conditions set forth in the Rate Schedules, Standards for Service, Rules and Regulations, and Service Connection and Extension Policies, filed with or fixed by the Public Utilities Commission of the State of Colorado from time to time, or by any other competent authority having jurisdiction in the premises.

Section 2. No Discrimination. The Company shall not, as to rates, charges, service, facilities, rules, regulations or in any o-

lectrical service furnished it, and excluding all revenue received in excess of \$2500.00 derived per annum from the sale of electric service rendered to each customer at any one location. Payments shall be made on or before the first day of March each year for the calendar year next previous. Payments for the portions of the initial and terminal years of this franchise shall be made on the basis of revenue as above derived for the months and portions of months in which this franchise is in effect. For the purpose of ascertaining or auditing the correct amount to be paid under the provisions of this paragraph, the Town Clerk and/or any committee appointed by the Board of Trustees of said Town shall have access to the books of said Company for the purpose of checking the gross revenue received from operations within said Town.

ARTICLE VI

Section 1. Term - Effective Date. This ordinance shall become effective, as provided by law thirty days after its publication following final passage, upon acceptance in writing by the Company within said period, and the terms, conditions and covenants thereof shall remain in full force and effect for a period of twenty-five (25) years from and after said effective date.

Section 2. Removal. Upon the expiration of this franchise, if the Company shall not have acquired and extension or renewal thereof and accepted same, it may have, and it is hereby granted, the right to enter upon the streets, alleys, bridges, viaducts, roads, lanes and other public places of the Town, for the purpose of removing therefrom any or all of its plants, structures, pipes, mains, conduits, cables, poles and wire, or equipment pertaining thereto, at any time after the Town has had ample time and opportunity to purchase, condemn or replace them. In so removing said pipes, mains, conduits, cables, poles and wire, the Company shall, at its own expense and in a workmanlike manner, refill any excavations that shall be made by it in the graveled or paved streets, alleys, bridges, viaducts, roads, lanes and other public places after the removal of mains, pipes, conduits, poles or other structures.

Section 3. Assignment. Nothing in this ordinance shall be so construed as to prevent the Company from assigning all of its rights, title or interest, gained or authorized under or by virtue of the terms of this ordinance.

Section 4. Police Power Reserved. The right is hereby reserved to the Town to adopt, from time to time, in addition to the provisions herein contained, such ordinances as may be deemed necessary in the exercise of its police power, provided that such regulations shall be reasonable and not des-

Proceedings of the Board of Trustees of the

Town of La Jara, Colorado

July 6, 1965

The Board of Trustees of the Town of La Jara, Conejos County, Colorado, met in regular session at its regular meeting for the month of July on July 6, 1965, at the Town Hall in said Town of La Jara.

Present: Mayor ~~Pro-Tom Kenneth Murphy~~ and Trustees ~~Adelma Medina, Floyd Reed, Glad Christensen and Kenneth Murphy~~

~~Joseph S. Chavez~~ and the Town Clerk.

Absent: ~~R. A. Clemente and Joe Kolloff~~

~~Joseph S. Chavez~~, Town Clerk, presented to the Board the affidavit of ~~Mary Mudd~~

the publisher of the La Jara Gazette as to publication of the Notice of Further Consideration of the proposed ordinance entitled:

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF LA JARA, CONEJOS COUNTY, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN AND OPERATE INFO, WITHIN AND THROUGH THE TOWN OF LA JARA, A PLANT OR PLANTS, SUBSTATIONS, AND WORKS, FOR THE PURCHASE, MANUFACTURE, GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRICAL ENERGY AND GAS, EITHER NATURAL, ARTIFICIAL OR MIXED, AND TO FURNISH, SELL AND DISTRIBUTE SAID ELECTRICAL ENERGY AND GAS TO THE TOWN OF LA JARA AND THE INHABITANTS THEREOF, FOR LIGHT, HEAT AND POWER, OR OTHER PURPOSES, BY MEANS OF PIPES, MAINS, CONDUITS, CABLES, POLES WITH WIRES STRUNG THEREON, OR OTHERWISE, ON, OVER, UNDER, ALONG, ACROSS AND THROUGH ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF LA JARA, AND FIXING THE TERMS AND CONDITIONS THEREOF.

Said affidavit stated that the said notice was published in the entire and regular issue of said La Jara Gazette, a weekly newspaper, for three consecutive insertions, and that the first publication of said notice was in the issue dated June 18, 1965, the second in the issue of June 25, 1965, and the last in the issue of July 2, 1965, which

affidavit of publication was ordered made a part of the records of the Board, it being hereby recited and declared that upon all of said dates mentioned herein there was no paper of general circulation published daily in said Town of La Jara.

Said Notice of Further Consideration stated that the proposed ordinance had been introduced and read in full for the first time at the regular meeting of the Board of Trustees held on the 1st day of June, 1965, and that at the next regular meeting of the Board on July 6, 1965 such proposed ordinance would come up before the Board for consideration by it as to its adoption and passage as provided by law.

Said proposed ordinance granting to the Public Service Company of Colorado said franchise was thereupon put upon its final passage and the Town Clerk then read said proposed ordinance in full to the Board of Trustees.

It was moved by Trustee Cled Christensen, seconded by Trustee Adelmo Medina that such proposed ordinance, which has just been read, be now passed and adopted as an ordinance of the Town of La Jara.

The ayes and nays being called, the following voted aye:  
Trustee Adelmo Medina, Floyd Reed, Cled Christensen and Kenneth  
Murphy

\_\_\_\_\_ and the following voted nay none  
\_\_\_\_\_

It appearing that a majority of all the Board voted aye, said ordinance was declared passed and adopted by the Board of Trustees of the Town of La Jara and was numbered as Ordinance No. 127.

The Board directed that the ordinance which had just been passed, upon its signing by the Mayor, be recorded in the Ordinance Book and authenticated in such book by the signatures of the Mayor and Town Clerk, that the Town Clerk issue a certificate as to the proper introduction, reading, publication and passage of said ordinance, and

that said ordinance be published, together with such certificate as  
to proper procedure, in the La Jara Gazette.

  
Town Clerk

SEAL

**CERTIFICATE OF TOWN CLERK**  
**AS TO TRANSCRIPT OF ALL PROCEEDINGS**

I, Joseph S. Chaves, the duly qualified and acting Town Clerk of the Town of La Jara, certify that the foregoing transcript of all proceedings relative to the passage and adoption of Ordinance No. 127 of the Town of La Jara, Conejos County, Colorado, consisting of:

1. Affidavit of Mary Mudd, editor and publisher of the La Jara Gazette as to the publishing of the attached Notice of Application for Franchise by Public Service Company of Colorado.
2. Proceedings of the Board of Trustees of the Town of La Jara on June 1, 1965 relative thereto.
3. Affidavit of Mary Mudd, editor and publisher of the La Jara Gazette as to the publishing of the attached Notice as to Further Consideration of proposed ordinance granting franchise to Public Service Company of Colorado.
4. Proceedings of the Board of Trustees of the Town of La Jara on July 6, 1965 relative thereto.
5. Signed copy of Ordinance No. 127 attested by myself as Town Clerk.
6. Certificate of Town Clerk as to introduction, reading, passage and signature by Mayor of Ordinance No. 127.
7. Affidavit of Mary Mudd, editor and publisher of the La Jara Gazette, as to publication of Ordinance No. 127 with certificate of myself as Town Clerk as to passage and signing by the Mayor attached thereto.
8. Certificate of the Town Clerk as to recording and authenticating of said ordinance.
9. Acceptance by Public Service Company of Colorado of Ordinance No. 127 on July 6th, 1965, acknowledged by myself, Town Clerk of La Jara.

is a full, true and correct copy and transcript of all affidavits and other papers on file in my office and a full, true and correct copy and transcript of all minutes and records of the Board of Trustees of the Town of La Jara relative thereto.

IN WITNESS WHEREOF, I have affixed my hand at La Jara, Colorado, this 6th day of July, 1965, and attested the same with the Seal of said Town.

  
Town Clerk

SEAL

NOTICE AS TO FURTHER CONSIDERATION OF  
ORDINANCE GRANTING FRANCHISE TO  
PUBLIC SERVICE COMPANY OF COLORADO

I, Joseph S. Chavez, the duly qualified and acting Town Clerk of the Town of La Jara, Conejos County, Colorado, certify that the annexed proposed ordinance of said Town of La Jara, granting to PUBLIC SERVICE COMPANY OF COLORADO, a franchise for the purposes therein mentioned was, at a regular meeting of the Board of Trustees of said Town of La Jara, held on the 1st day of June, 1965, introduced and read in full and the Board decided that it desired to further consider the granting of the rights and privileges sought for in the proposed ordinance at the regular meeting of the Board of Trustees to be held on July 6, 1965, at the hour of 8:00 o'clock P.M., at the Town Hall in the Town of La Jara, Colorado, and that a copy of this notice and the proposed ordinance be published in The La Jara Gazette, a weekly paper of general circulation in said Town of La Jara for a period of not less than two weeks, or three consecutive insertions thereof prior to the time when such ordinance is to be again read.

By reason of the foregoing, public notice is hereby given that at the next regular meeting of the Board of Trustees of the Town of La Jara, on July 6, 1965, the annexed proposed ordinance will come up before the Board of Trustees of the Town of La Jara for consideration by the Board as to its adoption and passage, as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Town seal this 3rd day of June, A. D. 1965.

  
Town Clerk

SEAL

issue dated May 14, 1965, the second in the issue dated May 21, 1965 and the last in the issue of May 28, 1965, which affidavit of publication was ordered made a part of the records of the Board of Trustees, it being hereby recited and declared that upon all said dates mentioned herein there was no paper of general circulation published daily in said Town of La Jara. Said publisher's affidavit which set forth a copy of said notice, specified the regular meeting of said Board of Trustees at which it was intended to apply for such franchise, which was this meeting, the name of the applicant, a general description of the rights and privileges applied for and the time for and terms upon which such franchise is desired.

It appearing that all the necessary steps had been taken to enable the Board of Trustees to permit the ordinance applied for to be introduced and read at length for the first time at this meeting, Trustee J. A. Medina then introduced the proposed ordinance in words and figures as applied for by the Public Service Company of Colorado and asked that it be publicly read before the Board for the first time, which motion was duly seconded by Trustee Kenneth Murphy and carried by the following vote: Aye, Trustees J. A. Medina, Joe Kelloff, Clad Christensen, Floyd Reed, R. A. Clements and Kenneth Murphy.

\_\_\_\_\_ . No, none

The Town Clerk then proceeded to read the proposed ordinance to the Board and after the same had been read in full it was moved by Trustee Joe Kelloff, seconded by Trustee Floyd Reed that this Board desired to further consider the granting of the rights and privileges sought for in said proposed ordinance and that copies of said proposed ordinance and a Notice as to Further Consideration be published in the La Jara Gazette, a weekly newspaper of general circulation published in the Town of La Jara for not less than two weeks, or three consecutive insertions thereof, prior to the time such ordinance is again read and put upon its passage at

the regular meeting of the Board of Trustees on July 6, 1965.

The motion being put to vote, Trustees J. A. Medina,  
Joe Kelloff, Clad Christensen, Floyd Reed, R. A. Clements and  
Kenneth Murphy

\_\_\_\_\_ voted Aye, and \_\_\_\_\_ none

\_\_\_\_\_ voted No, and the motion was duly carried.

  
\_\_\_\_\_  
Town Clerk

(SEAL)