

ORDINANCE NO. 2015-1

AN ORDINANCE OF THE TOWN OF LA JARA, COLORADO GRANTING BY A NON-EXCLUSIVE FRANCHISE TO PUBLIC SERVICE COMPANY OF COLORADO, ITS AFFILIATES, SUCCESSORS AND ASSIGNS, THE RIGHT TO USE THE STREETS WITHIN THE TOWN TO FURNISH, SELL, TRANSMIT, TRANSPORT AND DISTRIBUTE GAS TO THE TOWN AND TO ALL RESIDENTS OF THE TOWN, GRANTING THE RIGHT TO ACQUIRE, CONSTRUCT, INSTALL, LOCATE, MAINTAIN, OPERATE AND EXTEND INTO, WITHIN AND THROUGH THE TOWN ALL FACILITIES REASONABLY NECESSARY TO FURNISH, SELL TRANSMIT, TRANSPORT AND DISTRIBUTE ELECTRICITY AND NATURAL GAS WITHIN AND THROUGH THE TOWN, AND GRANTING THE RIGHT TO PROVIDE STREET LIGHTING SERVICE TO THE TOWN; AND FIXING THE TERMS AND CONDITIONS THEREOF.

WHEREAS, the Town of La Jara, Colorado wishes to enter into a Franchise Agreement with Public Service Company of Colorado whereby the Town grants to Public Service Company of Colorado for a period of twenty years the non-exclusive right to make reasonable use of the Town streets to provide utility service to the Town and its residents, and to operate in the Town in return for the payment by Public Service Company of Colorado of a franchise fee; and

WHEREAS, the Town Council of the Town of La Jara believes it is in the best interest of the Town to enter into such a Franchise Agreement with Public Service Company of Colorado.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA, COLORADO, AS FOLLOWS:

Section 1. That the Franchise Agreement between the Town of La Jara and Public Service Company of Colorado, a copy of which is attached hereto and incorporated herein by reference, is found to be a reasonable and acceptable agreement.

Section 2. That the Town of La Jara be and is hereby authorized and directed to enter into the Franchise agreement with Public Service Company of Colorado, and the appropriate Town officers are hereby authorized and directed to sign and bind the Town of La Jara to said Franchise agreement.

Section 3. That entering into Franchise Agreement with Public Service Company of Colorado is found to be in the best interest of the Town of La Jara, and necessary for the preservation of the public health and safety.

Section 4. Severance Clause. If an article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Trustees of the Town of La Jara, Colorado hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts may be declared invalid or unconstitutional.

Section 5. Repeal. All other ordinances, or parts of any ordinances or other Code provisions in conflict herewith are hereby repealed.

Section 6. Effective Date. This Ordinance shall take effect five days after publication following final passage.

INTRODUCED, READ AND ORDERED PUBLISHED BY TITLE ONLY THIS 9th
DAY OF April, 2015

PASSED, ADOPTED AND APPROVED AND ORDERED PUBLISHED BY TITLE ONLY
THIS 12th DAY OF May, 2015.

TOWN OF LA JARA,



By: Larry Zucchi
Mayor

By: Shawn Pagnotta
Shawn Pagnotta, Town Clerk