

ORDINANCE NO. 39A

AN ORDINANCE GRANTING A FRANCHISE TO K. C. ELECTRIC ASSOCIATION, IT'S SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE AND MAINTAIN AN ELECTRIC SYSTEM IN THE TOWN OF STRATTON, INCORPORATED, AND TO USE THE STREETS OR ALLEYS OF THE TOWN FOR SUCH PURPOSE.

WHEREAS, K. C. Electric Association, a cooperative corporation, organized and existing under the laws of the State of Colorado, hereinafter termed the "Cooperative" has heretofore and is now operating and maintaining an electric system within the Town of Stratton, Incorporated, herinafter termed the "Town" under an electric franchise heretofore held by Inland Utilities company and subsequently assigned to this cooperative; and

WHEREAS, the said cooperative has made or is about to make extensive additions, alterations, and improvements in the said system for the rehabilitation and rebuilding of the electric lines and facilities within said Town; and

WHEREAS, it would be to the mutual benefit of the Town and the cooperative to have the electric system of the Town rebuilt and rehabilitated and would further be to the mutual benefit of the Town and the cooperative for the Board of Trustees to grant a franchise to the cooperative to construct, operate and maintain an electric system on terms that will assure the full control and use of the streets or alleys to the public, the safety of the persons and property of the public so far as the maintenance of the system is concerned and the continuity of service upon the same classifications of service in the Town as the classifications oof service in other towns werved by the cooperative and upon the same rates and charges for electric service to consumers and users in the Town in each classification as the rates and charges of the cooperative in other towns of the same class served by it; and

WHEREAS, the cooperative has duly published its intention of applying for a franchise as provided by law,

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF STRATTON, INCORPORATED, STATE OF COLORADO:

That K. C. Electric Association, its successors and assigns is hereby granted a franchise:

(a) To construct, operate and maintain an electric system with all fixtures and apprutenances necessary or advisable for the proper operation and maintenance of said system within the limits of the Town in order to supply light, heat and power for public and private use within the Town and for the transmission of electricity through and beyond the Town;

ORDINANCE NO. 39A - continued

(b) To use the streets and alleys and public places of the Town for such purposes; and

(c) To cut and trim all trees and shubbery insofar as may be necessary to keep them clear of the poles and wires of the electric system and to make all necessary excavation in the public streets, roads, alleys or other public thoroughfares;

(d) To furnish electric energy for light, heat and power for public and private use within the Town and to transmit electricity through and beyond the Town.

This franchise is granted upon the following terms:

FIRST: The electric system shall be constructed, operated and maintained in a proper workmanlike manner so as to asfford all reasonable safeguards to the public.

SECOND: All poles, wires, transformer, substations and other facilities of every kind and nature, forming a part of said electric system, shall be so erected, operated and maintained so as no to interfere with traffic on the traveled portions of the streets or alleys; and the cooperative, after the construction or reconstruction of said electric system, or any part thereof, shall restoe to their original condition the streets or alleys on which said poles, wires, transformers, substations and other facilities have been erected, operated and maintained insofar as this is practicable.

THIRD: The cooperative will comply with all reasonable rules and regulations of the municipality and iwht all ordinances now in effect or which may hereafter be passed including the imposition of a business and occupation tax on utility business and occupations insofar as they do not conflict with the terms or purposes of the franchise herein granted.

FOURTH: This franchise shall be effective for a period of twenty-five (25) years, measured from the date of the final passage of the Ordinance granting this franchise.

FIFTH: The classification of service in the Town will be the same as the classification of service in other towns served by the cooperative and the rates and charges for electric service to consulmers and users in the Town in each classification will be the same as the rates and charges of the cooperative in other towns of the same class served by the cooperative.

This Ordinance shall be read at least twice in full, once at the time of its introduction and shall be introduced and first read at the regular meeting f the Board of Trustees of the Town held on the 9th day of October, 1986, and after introduction shall

ORDINANCE NO. 39A - continued

be published in the Stratton Spotlight, for a period of not less than two weeks prior to the time said Ordinance is again read and passed if and when full and complete compliance with the requirements of this paragraph are shown to be of record in the office of the Town Clerk and thereafter and immediately upon its passage, shall be recorded in the Book of Ordinances of the Town of Stratton authenticated by the signature of the Mayor and attested by the Clerk under the corporate seal of the Town and shall be published in Stratton Spotlight a weekly newspaper published in Stratton, Kit Carson, Colorado, and shall be in full force and effect five (5) days after such publication and as soon thereafter as accepted and approved by the cooperative as provided by law.

PASSED AND ADOPTED THIS THIRTEENTH DAY OF NOVEMBER, 1986.

MAYOR s/ROY TATKENHORST

ATTEST:

TOWN CLERK s/JACKIE L. GARRETT