

# ORDINANCE NUMBER 31

## CITY OF TOWER, MINNESOTA

An Ordinance conveying to Minnesota Power & Light Company, its successors and assigns, the electric transmission and distribution system now owned by the City of Tower, Saint Louis County, Minnesota; and granting to said Minnesota Power & Light Company, its successors and assigns, the right to construct and maintain an electric distribution system within said City of Tower.

The City Council of the City of Tower, Saint Louis County, Minnesota, does hereby ordain as follows:

Section 1. In consideration of the acceptance of this ordinance by Minnesota Power & Light Company, as herein provided, there is hereby conveyed to Minnesota Power & Light Company, its successors and assigns, the title to the electric transmission and distribution system now owned by said City of Tower, including all poles, wires, cross arms, braces, lamps, conduits, and such other appurtenances and appliances as constitute a part of said transmission and distribution system. This conveyance shall take effect and title to the property conveyed shall pass when Minnesota Power & Light Company begins furnishing electric service as specified in Section 6 hereof; but this conveyance does not cover the generating station of said City or any of the apparatus or machinery therein.

Section 2. There is hereby granted to Minnesota Power & Light Company, its successors and assigns, the right to enter upon and construct, operate and maintain upon the streets, highways and public grounds of said city, poles, wires, cross arms, braces, lamps, conduits, and other usual appurtenances and appliances for transmitting and the present poles, wires, cross arms, braces, lamps, conduits, and other usual appurtenances and appliances are revamped by Minnesota Power & Light Company or made now to a minimum extent of seventy five percent.

Section 3. All poles, wires, and other appliances constructed or maintained by Minnesota Power & Light Company, its successors or assigns, shall be constructed and maintained in a safe and secure manner and so as not unnecessarily to interfere with the public use of said streets and public grounds, and shall at all times be subject to the reasonable regulations of the City Council, and clearance for the moving of buildings and other objects shall be made immediately by the Minnesota Power & Light Company when permission to move through the streets is given anyone by the City Council provided the cost to the Minnesota Power & Light Company is guaranteed to the satisfaction of the Company.

Section 4. The City shall in no way be liable or responsible for any for any accident or damage that may occur in the construction, operation, or maintenance by the grantee of its lines and appurtenances hereunder, and the acceptance of this ordinance shall be deemed an agreement

on the part of the said Minnesota Power & Light Company, its successors and assigns, to indemnify said City and hold it harmless against any and all liability, loss, cost, damage, or expense which may accrue to said City by reason of the neglect, default, or misconduct of the grantee in the construction, operation or maintenance of its lines and appurtenances hereunder.

Section 5. This ordinance shall not be considered as granting to Minnesota Power & Light Company, its successors and assigns, any exclusive privilege of erecting poles and stringing wires in the streets or public grounds of said City, and the rights hereby granted shall continue for a period of twenty-five (25) Years from acceptance hereof.

Section 6. Minnesota Power & Light Company, within six (6) months from date of its acceptance of this ordinance, shall be prepared to and shall furnish for a period of twenty five (25) years twenty four (24) hour continuous electric service from its electrical systems to customers in said city including said city unless prevented by causes not within its reasonable control and shall furnish such service to all desiring the same at reasonable rates, and of sufficient voltage and frequency to permit the City to operate a water plant by electrical power; provided that these obligations to furnish electric service shall terminate if and when said City grants to any other person, firm, or corporation a franchise for supplying electric current within said City or itself engages in the business of supplying electrical current therein; and said Minnesota Power & Light Company shall purchase from the owners thereof, for five dollars (\$5.00) each, any electric meters now owned and being used by the present electrical customers of the lighting systems of said city that may be offered for sale by such owners within one (1) year from date such acceptance.

Section 7. This ordinance shall be void in all respects unless, within thirty (30) days after its passage and publication, said Minnesota Power & Light Company shall, by written acceptance file with the City Clerk, accept the provisions hereof, and this ordinance, when so accepted, shall constitute a contract between n said City of Tower and said Minnesota Power & Light Company, its successors and assigns.

This ordinance shall take affect from and after its passage and publication.

City of Tower

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Herman T Olson, Mayor

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J B ???, Clerk

The provisions of the foregoing ordinance are hereby accepted.

Dated June 10, 19??

Minnesota Power Light & Company

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Vice President

\_\_\_\_\_  
Secretary