

# ORDINANCE NUMBER 35

## CITY OF TOWER, MINNESOTA

An ordinance granting to Minnesota power, its successors and assigns, the right to construct and maintain an electric distribution and transmission system within the City of Tower, Minnesota.

The City of Tower ordains:

Section 1. The City of Tower hereby grants to Minnesota Power, its successors and assigns, (hereinafter referred to as Company) the right to enter upon and construct, operate and maintain upon the streets, alleys, highways and public grounds of the City, poles, wires, conductors, lines, cables, insulators, communication lines, bases, crossarms, braces, lamps, conduits, underground cables, transformers, and other usual appurtenances and appliances for transmitting and distributing electric power and energy, and for other compatible uses and applications, including but not limited to transmission of data and other information, telecommunications, and electric load dispatch and control. This Ordinance shall remain in effect for a period of twenty (20) years from and after passage of this Ordinance.

Section 2. All poles, wires and other appliances shall be constructed and maintained by Company in as safe and secure a manner as reasonably possible and so as not to unnecessarily interfere with the public use of the said streets, alleys, highways and public grounds, and which shall at all times be subject to the reasonable regulation of the City. Clearance for the moving of buildings and other objects shall be made within a reasonable period of time by Company when permission to move through the streets is given anyone by the City, provided that payment for the Company's cost is guaranteed to the Company's satisfaction and subject to the terms of Section 3. below.

Section 3. The City shall in no way be liable or responsible for any accident or damage that may occur in the construction, operation and maintenance by the Company of its lines and appurtenances hereunder unless caused by the City. The acceptance of this Ordinance shall be deemed an agreement on the part of the Company to indemnify the City and hold it harmless against any and all liability, loss, damage or expense which may accrue to the City by reason of the neglect, default or misconduct of the Company in the construction, operation and maintenance of its lines and appurtenances hereunder.

Section 4. This Ordinance shall not be considered as granting to the Company any exclusive privilege of erecting poles and stringing wires in the streets or public grounds of the City.

Section 5. In consideration for the right to use the streets, alleys, highways and public grounds, the Company shall be prepared to and shall furnish twenty-four (24) hour, continuous electric or other services provided in the City to consumers in the City, including the City, unless prevented by causes not within reasonable control, pursuant to the laws of the State of Minnesota and the rates, rules and regulations established from time to time by the Company, federal laws and regulations, and/or the Minnesota Power Utilities Commission.

Section 6. This Ordinance supersedes and cancels any previous ordinance regarding the right to construct and maintain an electric distribution system in the City of Tower.

Section 7. This Ordinance shall be void in all respects unless Company shall, by written acceptance filed with the City Clerk, accept the provisions hereof. This Ordinance, when so accepted, shall constitute a contract between the City of Tower and Minnesota Power, its successors and assigns.

Introduced by Councilor Mollers on July 13, 1998 and given the first reading.  
Given second reading on August 10, 1998 by Councilor Mollers.

Passed and approved by the City Council of the City of Tower this 10th day of August 1998.  
Published in the Timberjay on August 15, 1998.

CITY OF TOWER

By: \_\_\_\_\_  
CITY MAYOR

By: \_\_\_\_\_  
CITY CLERK

The provisions of the foregoing ordinance are hereby accepted.

DATED October 2, 1998.

MINNESOTA POWER

By: \_\_\_\_\_  
VICE PRESIDENT

By: \_\_\_\_\_  
SECRETARY