

ORDINANCE NO. 91.01

AN ORDINANCE GRANTING TO WELLS RURAL ELECTRIC COMPANY, ITS SUCCESSORS OR ASSIGNS, FOR THE TERM OF FIFTY YEARS FROM THE DATE OF THE PASSAGE HEREOF, THE AUTHORITY, RIGHT, PRIVILEGE, AND FRANCHISE TO LOCATED, CONSTRUCT, OPERATE, AND MAINTAIN WORKS, POLES, WIRES, SUBWAYS, CONDUITS, UNDERGROUND CONDUITS, ELECTRIC CONDUCTORS, CROSS-BRACES, CROSS-ARMS, FEEDERS AND ALL OTHER NECESSARY OR PROPER APPURTENANCES AND APPLIANCES FOR LIGHTS, POWER AND HEATING IN AND THROUGH THE CITY OF WENDOVER, UTAH FOR THE PURPOSE OF FURNISHING THE SAME FOR ALL PURPOSES FOR WHICH IT MAY BE ADAPTED TO BY THE SAID CITY OF WENDOVER AND THE RESIDENTS, INDUSTRIES AND INHABITANTS IN THE SAID CITY, TOGETHER WITH THE RIGHT TO LEASE AND PERMIT ITS FACILITIES TO BE USED FOR TELEPHONE AND TELEVISION SERVICE, ALONG, IN, ACROSS, OVER, UPON AND UNDER THE HIGHWAYS, STREETS, ALLEYWAYS, AVENUES, LANES, BRIDGES, AND PUBLIC PLACES OF SAID CITY OF WENDOVER AS THE SAME NOW EXIST OR MAY HEREAFTER BE ACQUIRED, OPENED, LAID OUT, OR EXTENDED, AND PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH SAID AUTHORITY AND FRANCHISE IS GIVEN AND GRANTED.

The members of the Board of the City Council of the City of Wendover, in the State of Utah, ordains as follows:

SECTION 1. There is hereby granted to Wells Rural Electric Company, a non-profit cooperative corporation, authorized to do business in the State of Utah, and its successors or assigns, for the term of fifty years from the date hereof, a full and complete

NON EXCLUSIVE

authority, right, privilege and franchise to locate, construct, operate and maintain works, poles, wires, subways, conduits, electrical conductors, cross-braces, cross-arms, feeders, and all other necessary or proper appurtenances and appliances for the transmission and distribution in and through the City of Wendover, State of Utah, electricity for the purpose of furnishing the same for light, power, heating, industrial and commercial purposes for which it may be adapted to the said City, its industry and the residents and inhabitants in the said City of Wendover, together with the right to lease and permit its facilities to be used for telephone and television service along, in, across, over, upon and under the highways, streets, alleyways, avenues, lanes, bridges, and public places of said City of Wendover as the same now exist or may hereafter be acquired, opened, laid out or extended.

SECTION 2. All works that shall hereafter be erected or placed under the authority of this ordinance and franchise shall be constructed in good and substantial manner and so as to present as little obstruction and inconvenience to the traveling public as is reasonably possible. All poles to be erected shall be of good sound material of sufficient size, and shall be placed in the ground at sufficient depth to support all wires placed or strung thereon; the use of guy-ropes and braces to be eliminated when and as far as practical.

SECTION 3. When the said grantee, its successors or assigns, shall make any excavation, dig any trench, hole or ditch, or in any manner interfere with any highway, street, alley, sidewalk, crosswalk, pavement, or other public places, the same shall, within

a reasonable time, be restored to a proper condition by such grantee, without expense to the said City of Wendover.

SECTION 4. Grantee, at its expense, shall protect, support, temporarily disconnect, relocate along, under, or over any street, alley, or public place, or remove from any street, alley, or public place, any equipment or facilities when reasonably required by grantor by reason of traffic conditions, public safety, street excavation, freeway or street construction, change or establishment of street grade, installations of sewers, drains, water pipes, power lines or tracks, or any other type of structures or improvements by grantor or other public agencies when acting in a governmental or in a proprietary capacity, or for any public improvement, not limited to the foregoing.

SECTION 5. Said grantee, its successors or assigns, shall be responsible for any damage to any person or persons or property, or to said City resulting from any act of negligence or carelessness of it, which may result from the exercise of any of the privileges herein granted.

SECTION 6. The said grantee, its successors or assigns, shall within ninety days after the passage of this ordinance, file an unconditional acceptance thereof, with the Clerk of the City of Wendover, otherwise the same shall become voidable at the option of said City.

Passed this 11th day of September, 1991.

A.B. Smith
Chairman, Board of Councilmen
The City of Wendover, Utah

ATTEST:

[Signature]
Clerk of the City of Wendover, Utah

Commissioners voting "AYE":
Brenda Morgan, Mike Pantelakis _____
Mike Crawford, Jim Trammell _____

Commissioners voting "NO":

