

ORDINANCE NO. 57

An Ordinance by the Town of Hudson, State of Colorado, granting to Colorado Central Power Company, its successors and assigns, a franchise authorizing the construction, acquisition, maintenance and operation in and through said Town, and all additions thereto, of plants, works and system for the manufacture or generation, transmission and distribution of electric energy, and the sale thereof to said Town and to consumers therein, for light, heat, power and other purposes by means of conduits, cables, poles, wires and any other devices or means used for, or in, the manufacture or generation, distribution, transmission and sale of electric energy constructed in, along, across, over, under and through all streets, alleys, public ways and places in said Town, and in all additions thereto, and fixing the terms and conditions thereof.

Be it ordained by the Board of Trustees of the Town of Hudson,

State of Colorado:

SECTION ONE: The franchise and right is hereby granted by the Town of Hudson, State of Colorado, hereinafter called the "Town", to Colorado Central Power Company, a corporation, hereinafter called the "Company", its successors and assigns, for the period hereinafter stated, to locate, build, construct, acquire, extend, maintain and operate into, within and through the Town, and all additions thereto, a plant or plants, works and system for the manufacture or generation, transmission and distribution of electric energy, and the sale thereof to the Town and to consumers therein, for light, heat, power and other purposes by means of conduits, cables, poles, wires, and any other devices or means used for, or in, the manufacture or generation, distribution, transmission and sale of electric energy, constructed in, along, across, over, under and through all streets, alleys, public ways and places in the Town and in all additions thereto.

SECTION TWO: The Company shall maintain in good order all poles, lamps, wires, and other appurtenances placed in the streets, avenues, alleys and public places in the Town. All wires shall be strung and maintained in accordance with the National Electrical Safety Code. After any excavations made, or any work done, by it in any such streets, avenues, alleys or public

places, the Company shall restore such streets, avenues, alleys and public places to their original condition so far as is reasonably possible. Where poles are set in alleys they shall be placed as near side lines as possible. When set in streets, poles shall be placed close to the curb, if any, between sidewalk, if any, and street. The right, privilege, and permission is also granted the Company to trim trees located on said streets, alleys, highways, and public grounds where necessary for safe and proper maintenance of its aforesaid equipment, subject to the approval of the Town.

SECTION THREE: The said Company, its successors and assigns, shall so maintain its structures, apparatus and equipment, as to afford all reasonable protection against injury or damage to persons or property therefrom; and the Company, its successors and assigns, will hold the Town harmless from any damages, arising from the negligence of the Company, its successors and assigns, to persons or property, in the construction, maintenance and operation of the electric system or plant in the Town.

SECTION FOUR: The right is hereby reserved by the Town to place any wires for fire or police alarm purposes upon any poles, or in any conduits, of the Company, provided that the placing thereof does not interfere with the proper use of said poles, conduits and lines of the Company, and provided, further, that the Company shall not be held responsible for damages or injuries resulting from such use of said poles or conduits by the Town.

SECTION FIVE: All rates, rules and regulations applicable to service in the Town shall be those in lawful effect from time to time, and shall at all times be subject to regulation by The Public Utilities Commission of the State of Colorado, and as is provided by law.

SECTION SIX: Service by the Company shall be continuous, insofar as may be reasonably possible, interruptions of service by strikes, accidents, acts of God and contingencies beyond the reasonable control of the Company excepted.

SECTION SEVEN: The franchise rights herein granted are granted

upon the express condition that the Town shall have the right and power to purchase or condemn the works or system of the Company, its successors and assigns, in the Town at the fair market value thereof in the manner and in accord with the terms and conditions now provided by law.

SECTION EIGHT: The Town agrees to purchase from the Company, during the term of this franchise, all electric energy used by it for light, power, heat and other purposes.

SECTION NINE: The franchise rights and privileges herein granted shall be for a period of twenty-five (25) years from the effective date hereof.

SECTION TEN: If and when this franchise ordinance comes into lawful force and effect, the same shall supersede the franchise rights and obligations which the Company now has in the Town, and said rights and obligations shall be deemed, and they hereby are, repealed with the consent of the Company.

SECTION ELEVEN: The Company shall file with the Town Clerk of the Town, in writing, within five (5) days after final passage of this Ordinance by the Board of Trustees and the approval thereof by the Mayor of the Town, its acceptance of the terms and conditions hereof, and in the event of failure on the part of the Company to file such acceptance as herein provided, the Board of Trustees may, by resolution spread upon the minutes of said Board, declare this Ordinance to be absolutely null and void.

PASSED AND APPROVED and ordered published this fifth (5th) day of January, 1959.

  
Mayor of the Town of Hudson,  
State of Colorado

ATTESTATION AND CERTIFICATION:

I, Margaret E. Chamberlain, Clerk and Recorder of the Town of Hudson, State of Colorado, do hereby attest and certify that at a regular meeting of the Board of Trustees of the Town of Hudson, State of Colorado, held on ~~Monday~~ <sup>Monday</sup> December 1, 1958, J. E. Wilson, vice president of Colorado Central Power Company, a corporation, appeared before said Board of Trustees and presented lawful proof of publication by posting in six public places in

said Town (there being no paper of general circulation published in said Town) for a period of not less than two weeks immediately prior to the said meeting held on ~~December 1, 1958~~, <sup>DECEMBER 1, 1958</sup>, of said corporation's intention to apply to the said Board of Trustees at said meeting for the passage of a franchise ordinance, granting a franchise to said Colorado Central Power Company, its successors and assigns, and that at said time and place, said J. E. Wilson as such vice president, presented such proposed ordinance in full in the form of a bill therefor; that thereupon said proposed ordinance was read in full; that said Board of Trustees desiring to further consider the granting of the rights and privileges sought by said proposed ordinance, ordered the same published by posting in six public places in said Town for a period of not less than two weeks prior to the time-- January 5, 1959--when said ordinance would again be read and put upon its passage.

I further attest and certify that at the regular meeting of said Board of Trustees held on Monday, January 5, 1959, proof of publication of said proposed ordinance by posting in six public places in said Town for a period of not less than two weeks prior to January 5, 1959, was presented, and that at said meeting said proposed ordinance was again read in full, and put upon its passage; that 5 members of the said Board of Trustees (the Mayor not voting) voted in favor of the passage thereof and that 700 members thereof voted against its passage.

That thereupon the Mayor of said Town duly signed his approval of said ordinance.

Dated January 5, 1959.

Margaret E. Chamberlain  
Clerk and Recorder of the Town of  
Hudson, State of Colorado

(SEAL)