

*Original
Resolution and Order*

WHEREAS, in consideration and by virtue of the terms, covenants, stipulations and conditions set forth in Ordinance No. 26 of the Town of Hudson, passed, adopted and approved June 5, 1919, entitled:

"AN ORDINANCE, granting a franchise to William C. Sterne, his successors and assigns, to own, erect, construct, operate and maintain a plant or system for the supply, distribution and sale of electricity for light, heat, power and all other lawful purposes to the Town of Hudson and the inhabitants thereof and any and all additions hereafter made to said Town, by means of poles, wires, conduits and other necessary or convenient methods, over, upon, through and across all streets, avenues, alleys, bridges and other public places in said Town, and any and all additions hereafter made thereto, and fixing the terms and conditions of such grant; entering into a contract for the lighting of the streets, avenues, alleys, bridges and other public places in said Town of Hudson; entering into a contract for the furnishing of electrical energy for the purpose of pumping water for the Town of Hudson and the inhabitants thereof; and providing for the purchase by the said William C. Sterne, and sale and conveyance by the Town of Hudson, of the electrical transmission line owned by the Town of Hudson."

And in consideration and by virtue of the written acceptance of said Ordinance No. 26, accepting the franchise and privileges granted and agreeing to the terms thereof, as subscribed and filed by said grantee, W. C. Sterne, in the office of the Clerk and Recorder of said Town on *the third day of July*, A. D. 1919; and

WHEREAS, a majority of over two-thirds of the qualified tax-paying electors of said Town of Hudson voting thereon at a special election therein held on the second day of June, 1919, authorized the Board of Trustees of the Town of Hudson to sell to said grantee, W. C. Sterne, or his assigns the electrical transmission line extending from Fort Lupton, Colorado to the pumping station of the Town of Hudson, under the terms and conditions set forth in Ordinance No. 25, adopted and approved on the sixth day

of May, A. D. 1919, which terms and conditions as set forth in said Ordinance No. 25 are identical in meaning and effect with the terms and conditions set forth in Ordinance No. 26 aforesaid of said Town of Hudson, so far as the same pertain to the sale and purchase of said electrical transmission line, and which were and are in said Ordinance No. 25 in words and figures as follows, to-wit:

"Beginning with the date of first service of electrical energy by W. C. Sterne, or his assigns, hereinafter called the purchaser, the purchaser shall pay to the town thirty-three and one-third per cent. of the gross revenue received by the purchaser for electrical energy furnished to the town and the purchaser's other consumers within the town of Hudson during each twelve-months-period. Such payment shall continue through ten consecutive twelve-months-periods, aggregating a total of one hundred and twenty consecutive months from the date of first service by said purchaser; provided, however, that if during any such twelve-months-period the gross revenue received by the purchaser shall not equal or exceed the total sum of three thousand dollars (\$3,000.00), then and in that event no payment by the purchaser to the town for such period shall be made. The total aggregate sum so to be paid to the town by the purchaser shall be ten thousand five hundred dollars (\$10,500.00); provided, however, that all payments to be made by the purchaser to the town shall cease and terminate at the expiration of the ten consecutive twelve-months-periods above set forth, whether or not the said total sum of ten thousand five hundred dollars (\$10,500.00) shall have been so paid; it being understood and agreed that no interest on deferred payments shall be paid by the purchaser, and that title to the said transmission line shall vest in the purchaser, or his assigns, in fee simple, by a suitable conveyance from the town, through its proper officers and under its corporate seal, immediately upon the approval of the said sale by the requisite vote of the properly qualified electors of the town and upon acceptance by the said purchaser. The payments as above set forth shall be made by the purchaser on or before forty-five (45) days after the expiration of each twelve-months-period above set forth, and such payments shall be made at the official depository of the town in the town of Hudson, Colorado; and

WHEREAS, said special election was in all respects duly

called, held, returned, canvassed, certified and declared,

the records of each and every step pertaining thereto now appearing

on file or recorded in the office of the Clerk and Recorder of said Town as required by law, and all thereof were so duly taken and filed or recorded prior to the final passage of said Ordinance No. 26 of said town; and

WHEREAS, in said Ordinance No. 26 said Board of Trustees of said Town of Hudson did determine to sell to said W. C. Sterne, or his assigns, the said electrical transmission line as by said qualified property electors of said Town so authorized the same to be done, and the said W. C. Sterne by his said written acceptance of said Ordinance No. 26 did accept the terms and conditions of sale thereof aforesaid; and

WHEREAS, The Fort Lupton Light and Power Company hath cancelled and made void, by its duly executed release in writing filed with the Clerk and Recorder of said Town, ~~and~~ that certain contract entered into between said Fort Lupton Light and Power Company and the said Town of Hudson, dated the 22nd day of April, 1919, for the furnishing of electrical energy for pumping purposes, to be metered at a point in the Town of Fort Lupton, Colorado, and to be distributed over lines to be constructed, operated and maintained by the Town of Hudson, such cancellation being effective when said Ordinance No. 26 of the Town of Hudson shall go into legal effect, the same having been accepted by the grantee of the franchise therein, said W. C. Sterne; and

WHEREAS, said Ordinance No. 26 of said Town of Hudson has become of legal effect, more than thirty days having elapsed since the due passage, adoption and publication thereof;

NOW THEREFORE, Be It Resolved and Ordered by the Board of Trustees of the said Town of Hudson that F. F. Smith, a resident citizen of the said Town, be and is hereby appointed a commissioner of and for said Town of Hudson to make, execute, seal

with the seal of said town, acknowledge and deliver due and sufficient Warranty Deed of and from said town of Hudson unto said W. C. Sterne, his heirs and assigns forever, conveying all the following described premises and property situate, lying and being in the County of Weld and State of Colorado, to-wit: The electrical transmission line extending from Fort Lupton, Colorado, to the pumping station of the Town of Hudson, together with all and singular the hereditaments and appurtenances therunto belonging, all in the usual form and covenants of a Warranty Deed, - reciting therein this resolution embodying the terms and conditions set forth in said Ordinance No. 86, so far as the same pertain to the sale and purchase of said electrical transmission line, in pursuance of which said conveyance is hereby ordered to be executed and delivered.

Passed: July 14th. 1919

J. E. Hotchkiss
Clerk & Recorder

Approved July 14th. 1919

F. F. Smith
Mayor

Filed: July 14, 1919

J. E. Hotchkiss
Clerk and Recorder
Town of Hudson