

Ordinance #207

An Ordinance to the Otter Tail Power Company, a Minnesota Corporation, its successors and assigns, a Franchise for 20 years, including permission to erect, construct, install, and maintain within the City of Lake Norden, South Dakota, and electric light and power system and transmission line and to operate the same and to install conduits, poles, wires, pipes, and other fixtures in, upon, and under the streets, alleys, bridges, and public grounds of said municipality for the purpose of furnishing electric light, heat, and power to said municipality and the inhabitants thereof.

Be it Ordained by the City of Lake Norden, South Dakota (hereinafter call the Municipality):

Section I:

There is hereby granted to Otter Tail Power Company, a Minnesota Corporation, its successors and assigns, hereinafter the Grantee, for a period of twenty (20) year from and after the passage and approval of the Ordinance and during all said time, subject to the conditions and requirements hereinafter set forth, permission to construct, install, and maintain an electric light and power system and transmission line to operate and maintain the same within and through the Municipality and to transmit electricity to and from the other towns or cities for the purpose of light, power, and heat, and to erect, construct, install, and maintain conduits, poles, wires, pipes, and other necessary fixtures and attachments upon and under the streets, alleys, bridges, and public grounds of said Municipality for the purpose of furnishing and selling electricity for light, heat, and power, and such other purposes for which electricity may be used by the inhabitants of said Municipality, and said permission and franchise to become operative and continue under the conditions hereinafter set forth.

Section II.

All poles set in alleys shall be set at or neat the boundary line thereof and where set in streets shall be located at such distances as shall be directed by the Municipality from the property line of the abutting owner, and shall be placed so as not to interfere with the construction or placing of any water pipes, sewers, or drains or the flow of water therefrom which has been or may be placed by authority of said Municipality. In the even that said Grantee shall make any unnecessary obstructions of said streets, alleys, public grounds or places not designated by the Governing body, the Municipality may cause the removal of such obstructions and charge and collect from such Grantee the actual cost of such removals.

Section III.

The Municipality reserves the right for itself and its agents to make and adopt, and the rights and privileges hereby granted shall at all time be and remain subject to such reasonable regulations of a police nature as it may deem necessary for the best interest of the

Municipality, but the Municipality will not be any such regulations or by acts of its own or agents do anything to prevent or interfere with the Grantee carrying on its business in accordance with the franchise hereby granted.

Section IV.

The Grantee shall use due diligence and care in furnishing electric service as herein provided but shall not be liable for any loss or damage with may arise from the failure of service, either partial or total, but this shall not be constructed to exempt said Grantee from liability for negligence.

Signed and approved by the Mayor of the City this 7th day of August, 1989.

Larry Steffensen, Mayor

Filed with the Finance Officer this 7th day of August, 1989.
Vivian Amen, Finance Officer