

MST15TEL

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: CONTRACT (REVOCABLE PERMIT)

NAME OF AGENCY OR CONTRACTOR: MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: TELEPHONE EQUIPMENT OPERATION AND MAINTENANCE

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1915

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

COMMISSIONER Vorbeck offered the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF GRAND JUNCTION:

Section 1. That there is hereby granted to THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, a corporation, its successors and assigns, a permit to operate and maintain in, upon, along, across, above, over and under the streets, alleys, public ways and public places of the City, its telephone equipment of every kind now in use in said City, and any additional poles, wires or other equipment that may be necessary in the proper maintenance and operation of a telephone system and exchange in said City; provided, however, that the permit hereby granted may be revoked at any time.

Section 2. The said Telephone Company, during the life of this permit, shall pay to the City two per cent (2%) of the gross amount derived by said Company from all local exchange service revenues from all subscribers directly connected with the switchboard of said Company in said City. Said payment shall be made semi-annually on or before sixty (60) days after January first and July first of each year covering said revenue for the six (6) months next preceding January first and July first of each year, it being understood, however, that the payment herein provided for shall begin on February 1, 1915. In consideration of the payment by said Company of the sums in this

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section provided, the City agrees to accept the same in payment and in lieu of any and all occupation and license taxes. In the event said City shall hereafter impose any valid license or occupation tax upon said Company, then the aforesaid percentage of gross earnings provided in this section to be paid by the Company, shall be reduced by the amount of any such license or occupation tax.

Section 3. The said Company shall at all times during the life of this permit be subject to all lawful exercise of the police power by the City and to such reasonable regulation as the City may by resolution or ordinance hereafter provide. And the Company shall save the City harmless from all loss sustained by the City on account of any suit, judgment, execution, claim or demand whatsoever resulting from negligence on the part of said Company in the construction or maintenance of its telephone system in said City.

Section 4. The granting of this permit is upon the express condition and understanding that neither the granting of the same nor the acceptance thereof by the Company shall constitute a waiver either upon the part of said Company or of the City of any rights or claims had or made by either with respect to the occupancy of the streets, alleys or public places of the City under the Constitution and general Statutes of the State of Colorado, nor shall this permit nor the acceptance thereof by the Company in any wise prejudice or impair any rights or claims existing independently of this permit in the said Company or its predecessors.

or successors with respect to the construction, operation and maintenance either before or after the life of this permit of a telephone system in said City.

Section 5. This permit shall be in force and effect upon the filing by said Company with the City of a written acceptance thereof.

It was thereupon moved by Commissioner Carson and seconded by Commissioner Holmburg that said resolution, as read, be passed and adopted.

Upon roll call, the Commissioners voted as follows:

Cherrington, yea; Vorbeck, yea;
Rankin, yea; Carson, yea;
Holmburg, yea.

The Mayor announced the vote as follows:

5 votes for.
0 votes against.

Thereupon the Mayor declared said resolution passed and adopted.

Passed and adopted March 2, A. P. 1910

Attest:

Charles K. Holmburg
City Clerk

Mayor