

## AN ORDINANCE

To authorize the erection, construction and operation of a plant or plants for the generation and transmission of electricity for light, power or any other purpose; for the operation of telephone lines; for the manufacture of ice and refrigerant and the conveyance and transmission of such refrigerant; and for the generation of steam and its conveyance and transmission for heating or power purposes, in the town of Grand Junction, Colorado:

Be it ordained by the board of trustees of the town of Grand Junction, Colorado:

SECTION 1. That to J. Trowbridge Bailey and Thomas B. Stearns, their heirs, executors, administrators, legal representatives and assigns, be and are hereby granted, subject to the conditions, stipulations and requirements hereinafter recited, the right and privilege to purchase, construct, operate and maintain a plant or plants, and the necessary equipments, in the town of Grand Junction, for any one or more or all of the following purposes:

For generating electricity for light, power or any other purpose; for operating telephone lines; for the generation of steam for heating or for power; for the manufacture of ice and refrigerant; and for furnishing electric light and power, telephone and electric communication, steam heat and refrigerant, or any one or more or all of them to the inhabitants of said town, and to said town in its corporate capacity whenever it may desire to contract therefor; and for any one or more or all of the said purposes, the said J. Trowbridge Bailey and Thomas B. Stearns, their heirs, executors, administrators, legal representatives and assigns are hereby authorized to purchase, erect, construct and maintain the necessary poles or posts of suitable and safe material, and string the same with wire; to excavate for, construct, lay and maintain such subterranean pipes and conduits as said J. Trowbridge Bailey and Thomas B. Stearns their heirs, executors, administrators, legal representatives and assigns shall deem necessary, through, along or across the streets, avenues, alleys, sidewalks and public grounds, now or hereafter existing, of said town, with the necessary wires, poles, lamps and apparatus for any one or more or all of the purposes aforesaid: Provided, that all such work shall be done in such manner, and the said poles, wires, pipes and conduits so arranged as to give to the people of said town, the least possible inconvenience in the free use and occupancy of such streets, alleys, sidewalks and public grounds, and so as to interfere as little as possible with the laying of gas and water pipes, or the construction of sewers and drains; and all excavations occasioned in doing such work shall be refilled, graded and repaired by said parties, their heirs, executors, administrators, legal representatives and assigns, at their own cost and expense, in a good, substantial and workmanlike manner as soon as practicable under the circumstances. Provided, further, that said parties, their heirs, executors, administrators, legal representatives and assigns, shall be and remain solely and exclusively responsible for all damage to person or property that may occur by reason of any negligence or usual faultfulness in the carrying on of such work, or in subsequent repairs or change therein; and said parties, their heirs, executors, administrators, legal representatives and assigns, shall hold safe and harmless said Town of Grand Junction in its municipal capacity, from any and all loss and damage of any kind and description, by reason thereof.

SEC. 2. All wires shall be laid in underground conduits or shall be run on poles which shall not be less than twenty feet in height above the ground, and not less than four inches in diameter at the smaller end, and such poles shall be constructed and set in such places as the board of trustees, by its committee on streets and alleys, may direct, and the same

and all wires or other apparatus in connection therewith, shall be maintained and kept in repair under the supervision, and to the approval, of said committee.

Sec. 3. The said parties, their heirs, executors, administrators, legal representatives and assigns, shall at all times protect their wires and appliances by such insulation, coating of wires with non-conducting materials and "cut-outs" as are necessary to render the use of such electrical currents safe to life and property within the town, and by all such safeguards as science and experience may demonstrate, will aid thereto.

Sec. 4. Said parties shall at all times be prepared to furnish to said town of Grand Junction and to its inhabitants, a good standard quality of electric light for illuminating purposes, at a fair and reasonable compensation, and at uniform prices for the same candle power, a schedule of prices for which shall be filed with the town recorder as soon as established or whenever thereafter modified.

Sec. 5. No lamp or wires shall be placed or strung at a height less than eighteen feet above the streets unless the express permission and approval in writing of the committee on streets and alleys shall have first been had and obtained.

Sec. 6. The said parties shall within ten days after the passage of this ordinance, file with the town recorder their acceptance in writing of all the terms, conditions, stipulations and provisions hereof, which said acceptance shall, by the town recorder, be recorded in the book of ordinances of this town; and the said parties shall before the 1st day of December A. D. 1890, begin in good faith the erection and construction of their electric light works, and shall continue the prosecution of such work, and commence the operation thereof within six months from the 31st day of October, A. D. 1890. And if they fail so to do, or in any substantial manner fail to comply with the provisions of this ordinance, such failure shall have the effect of working a forfeiture of the rights and privileges hereby granted them, concerning the erection and operation of such electric light works. And if the said parties shall not within two years after the passage hereof, complete the construction and commence the operation of their works and plant for the manufacture of ice and the manufacture and conveyance and transmission of refrigerant, or their works and plant for the generation and conveyance and transmission of steam for heating and power purposes, or their works and plant for the operation of telephone lines, then such failure shall have the effect of working a forfeiture of any particular one of said rights and privileges, concerning which default

shall have been made, namely, of the right and privilege of the manufacture of ice and refrigerant and of its conveyance and transmission, or of the right and privilege of the generation and conveyance of steam for heating or power purposes, or of the right and privilege of operating telephone lines.

Sec. 7. It is hereby expressly provided and declared that no exclusive franchise or privilege is intended to be hereby granted and conferred. This franchise is to exist for the term of twenty years. Passed and adopted this 24th day of November, A. D. 1890.

[SEAL]  
Attest:

J. O. BRADISH, Mayor.

C. W. BALDWIN, Recorder.

Attest

C. W. Baldwin  
Recorder

J. O. Bradish  
Mayor