

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; and 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 I. 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 line; 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 hereinafter 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 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 unskillfulness in the carrying on of such work, or in subsequent repairs and changes 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

SECTION II. 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 trustee, 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.

SECTION III. 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 safe-guards as science and experience may demonstrate will aid thereto.

SECTION IV. 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.

SECTION V. 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 of the committee on streets and alleys shall have first been had and obtained.

SECTION VI. 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 thereof, which said acceptance shall by the recorder be recorded in the book of ordinances of this town; and they shall, within thirty days after the passage hereof, begin in good faith the erection and construction of their said electric light works, and shall diligently continue the prosecution of such work and complete the same, and commence the operation thereof within six months after the passage hereof; and shall, within two years after the passage hereof, complete and commence the operation of all of their other works, the right to construct and operate which is hereby granted.

SECTION VII. Any failure of said parties, their heirs, executors, administrators, legal representatives and assigns, to comply with the terms, conditions and stipulations of this ordinance, as to any of said franchises shall have the effect to work a forfeiture of such right, privilege or franchise conferred or granted hereby, and concerning which such default shall have been made; and it is hereby expressly provided and declared that no exclusive franchise or privilege is intended to be granted and conferred hereby.

Passed and adopted this 31st day of October, A. D. 1890.

J. O. BRADISH, Mayor.

ATTEST: C. W. BALDWIN, Recorder.

Attest
C. W. Baldwin
Recorder

J. O. Bradish
Mayor