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AN ORDINANCE to authorize the erection, construction and operation of a system of waterworks in the City of Grand Junction, Colorado, for the extinguishment of fires; for sanitary, domestic and other purposes; for the refining and manufacturing of oil; for the piping of oil and gas, and for its transmission for heating, lighting or commercial purposes; for the right to sink wells in the said City, and granting to The Western Colorado Development Company, its successors and assigns, the right to erect, construct, operate and maintain the necessary works and plants required for any or all of the aforesaid purposes.

Be it ordained by the City Council of the City of Grand Junction.-

Sec. 1.- That The Western Colorado Development Company, a corporation organized and existing under the laws of the State of Colorado its successors, legal representatives and assigns, be, and are hereby granted, subject to the conditions, stipulations and requirements herein after recited, the right and privilege to purchase, construct, operate and maintain a plant or plants and the necessary equipments, in the City of Grand Junction, Colorado, for the term of twenty years from the date of the adoption of this ordinance for any one, or all of the following purposes; for the supplying of the said City and its inhabitants with water for domestic, sanitary and other uses, and for the extinguishment of fires; for the drilling for oil, gas or water; for the supplying of the said City and its inhabitants with gas and oil for lighting, heating and commercial purposes; for refining oil; and to that end shall have the right to receive, take and store, conduct and distribute water, oil and gas through the City; to construct and extend mains and pipes through the streets, alleys, avenues and public grounds, as the same may now exist or may hereafter be extended.

Sec.2.- The supply of water is to be obtained by sinking an artesian well or wells in, or in the vicinity of the City of Grand Junction, Colorado, and not otherwise.

The pipes to be used in the distribution of the water are to be of solid steel, wrought or cast iron, and shall not be laid less than thirty-six inches below the surface of the ground; said pipes shall be of such dimensions as to enable the company to give proper service in its undertaking to supply the said City and its inhabitants with water.

Sec.3.- The supply of oil or gas is to be obtained by sinking a well or wells in, or near the City of Grand Junction, or in any part of the County of Mesa, State of Colorado.

The pipes to be used in distributing oil or gas as aforesaid, are to be of solid steel, wrought, or cast iron, and are to be of such dimensions as to enable the company to give proper service in its undertaking to supply the inhabitants of the said City. The pipes shall not be laid less than eighteen inches below the surface of the ground.

Sec.4.- The said company shall sink all wells on land or lots owned or controlled by it; and the first well shall be known as the "test well", and shall be located in such place within the corporate limits of the said City as may be selected by the said company subject to the approval of the City Council.

Sec.5.- Should the sinking of the "test well", as aforesaid, or the sinking of any subsequent well, develop oil or natural gas in paying quantities, then no permission for the location and sinking of any subsequent well shall be granted by the Council, as aforesaid, until the said company shall present a petition signed by all persons holding property within two hundred feet in all directions of the proposed point of location of such well. It being expressly agreed and understood that a

special permission is to be granted for a definite location of such well by the City Council, of the City of Grand Junction, upon application of the company as herein-before specified.

Sec.6.- All work shall be done in such manner as to cause the least possible inconvenience in the free use and occupancy of such streets, alleys, sidewalks, avenues and public grounds, so as to interfere as little as possible ^{or the laying of sewer mains or drains on such streets} with water mains now on such streets; and all excavations occasioned in doing such work shall be re-filled, graded and repaired by the said company, its successors and assigns, at its own cost and expense, as soon as practicable under the circumstances. The said company, its successors and assigns shall be, and remain solely and exclusively responsible for all damage to person and property that may occur by reason of any negligence or unskillfulness in the carrying on of such work or in subsequent repairs or changes therein. And the said company its successors and assigns, shall hold safe and harmless the said City of Grand Junction in its municipal capacity for any and all loss or damage of any kind and description by reason thereof..

Sec.7.- The said company shall, at all times, be prepared to furnish the said City of Grand Junction, and its inhabitants, such gas and water as may be found. And should it develop that only oil or gas or water be found, only so much of this franchise shall become invalid as pertains to the article that has not been found at the date set hereinafter for the completion of the work contemplated by this franchise

Sec.8.- The said company shall file with the City Clerk its schedule of prices to be charged for water oil or gas as soon as established, or whenever thereafter modified; which said schedule of prices shall not exceed the prices now established by the Grand Junction Water works Company, for water.

Sec.9.- The said company shall, within ten days after the

Passage of this ordinance file with the City Clerk its acceptance in writing of all the terms, conditions, stipulations and provisions hereof which said acceptance shall by the City Clerk, be recorded in the book of ordinances of this city. And the said company shall, before the first day of December, 1893, begin in good faith the sinking of the said well, and shall prosecute such work with due diligence and shall complete the same within nine months; and should the sinking of the first well, as aforesaid, fail to develop either water in quantity or quality sufficient to supply the City of Grand Junction, or to demonstrate the existence of natural gas or oil; and should the said company fail to begin in good faith the sinking of **other** wells for the period of six months after the expiration of the aforesaid time, and should it fail to prosecute the said work with due diligence and complete the same within six months from date at which work was commenced on these subsequent wells, 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.

Sec. 10.- The City Council of the City of Grand Junction shall from time to time, pass such ordinances as may be necessary for the proper protection of the plants or works herein mentioned, and reserves the right to pass such ordinances as may be necessary for the proper regulation of any of the said works or plants.

B. J. Jay City Clerk

M. L. Allison
Mayor