

Ordinance Number 126

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An Ordinance to authorize the Citizens' Gas and Coke Company, (a corporation) to construct, erect, operate and maintain Gas Works and a system of pipe-lines within the corporate limits of the City of Grand Junction, Colorado; and to sell and deliver gas to consumers therein for heating, illuminating, power, domestic, commercial and other uses; and to authorize said Company, to excavate for, own, lay, and repair pipe-lines in, across and through the streets and public grounds and alleys thereof.

Be It Ordained by the City Council of the City of Grand Junction, in the State of Colorado:-

Section 1. That the Citizens' Gas and Coke Company, a corporation duly organized and existing under and by virtue of the laws of the State of Colorado, and hereinafter referred to as the "Company"; its successors, legal representatives and assigns be and are hereby granted, subject to the conditions, stipulations, limitations and requirements hereinafter specified, the right, privilege and authority to construct, erect, operate, own and maintain within the corporate limits of the City of Grand Junction and all additions that have been or may be made thereto, a system or systems of pipe-lines for the purpose of carrying and delivering to consumers thereof, in said City, natural and artificial gas for heating, illuminating, power and general commercial purposes, and for such purposes to construct, excavate, own, maintain, operate and repair in, through and under all the streets, alleys, avenues, parks and bridges of said City, a system or systems of pipe-lines with distributing stations and plants for the term of twenty-five years from the date of the adoption of this Ordinance subject to the requirements hereinafter contained.

Section II. The pipes used by the said Company in the construction, erection and operation of their system of pipe-lines to distribute gas to consumers shall be of steel, cast, wrought, or galvanized-iron, and shall be of such dimensions as to enable the said Company, its successors or assigns to give proper, reasonable and safe service to the consumers of Gas in said City.

Said pipe-lines shall not be laid in the streets, alleys, public grounds and avenues of said City, at a less depth than eighteen (18) inches.

Section III. The right to prohibit the sinking of any wells, or construction, operations or maintenance of a plant for the manufacture of gas within the City is expressly reserved by this Ordinance.

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Section IV. The work of laying, maintaining, and repairing any and all such pipe-lines permitted to be laid by this Ordinance, shall be done by the said Company, its successors or assigns, in such a manner as to cause the least possible inconvenience to the free use and occupancy of the streets, alleys, sidewalks, avenues and public grounds, and so as not to interfere with any water-mains, sewers, drains, pipes or Trees now in the streets, alleys, avenues and public grounds, ~~and so as not to interfere with any water mains,~~ ^{of said City}

All excavations necessary in laying the said pipe-lines or making connections therewith for distributing of gas to consumers shall be refilled, graded, settled and repaired by the said Company, its successors or assigns, at its own cost and expense, and as soon as practicable under all circumstances; and no excavation or opening shall be allowed to remain open at any time longer than twenty-four (24) hours, nor shall any excavation or opening be allowed to remain open upon any of the streets, alleys, avenues, or public grounds at any time unless precautions be taken to guard the same by reasonable and proper methods and signals. And the said Company shall extend its lines to any and all consumers desiring the same, on order of the City Council. Provided that there be at least six consumers applying for the same for each Block of extension required.

Section V.

The said Company, its successors or assigns shall be and remain solely and exclusively responsible for all damages to persons and property, that may occur by of any negligence, carelessness or unskillfulness in the carrying on of such work, or in subsequent repairs or changes therein or in maintenance thereof; and the said Company, its successors and assigns shall hold safe and harmless the said City of Grand Junction for any and all losses and damages of any kind and description by reason thereof; and the City Council of the said City of Grand Junction may at the time of commencing work on said plant within the corporate limits require the said Company, its successors or assigns, to give a Surety Company indemnity bond in any sum to be fixed by Resolution, not to exceed, however, the sum of ten thousand dollars (\$10,000⁰⁰) in order to effectually indemnify the said City against losses and damages occasioned by the said Company, its servants or employees.

Section VI.

The said City of Grand Junction shall have the right at periods of ten, fifteen, twenty or twenty-five years

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to purchase or condemn the said works at its actual cash value, excluding therefrom the value of this franchise, or the right of way through the streets; and excluding any value by reason of any contract said Company may have with the said City, to furnish gas for heating or lighting purposes.

Section VII.

The said Company, its successors or assigns, shall file with the City Clerk of the said City a schedule of rates to be charged for gas sold or furnished by it to the inhabitants of the said City, as soon as the said Company is ready to furnish the said gas, and from time to time thereafter as may be required; but the maximum rate to be charged by said Company shall not exceed \$2.50 per 1000 cubic feet to consumers, and \$3.50 per Calendar Month for each 70 candle power all-night street lamps furnished to the said City.

Section VIII.

The said Company shall commence work within six months after the adoption of this Ordinance and shall have the said plant completed within eighteen months thereafter so as to be able to deliver to consumers 20,000 cubic feet of Gas per day. And it shall within ten days after the passage of this Ordinance, file with City Clerk of the City of Grand Junction its acceptance in writing of all the terms, conditions and provisions of this Ordinance, which acceptance shall be recorded in the book of Ordinances of this City.

Section IX.

The said Company, its successors and assigns agree to pay to said City, for the rights and privileges herein granted by this Ordinance, a sum equal to one per cent of the gross receipts from the sale of Gas from and after one year from the completion of the plant, and 3% of the Gross receipts after six (6) years from the completion of the plant of the said Company, and during the life of this Franchise. The said sum to be paid on the first day of January in each and every year.

The said Company, shall keep true and accurate books of account and at all times the same shall be open to inspection during business hours by any agent of said ^{City} duly appointed for such purpose by the City Council.

Section X.

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 property, rights and privileges of the said Company, its successors and assigns, and shall also adopt such reasonable

Action XI

regulations as may be necessary for the protection and safety of persons and property in the City of Grand Junction. The right to construct, operate and own any of the utilities herein mentioned by the said City of Grand Junction is expressly reserved to said City.

Action XII

Should the Company, its agents or assigns fail to comply with any of the terms of this Ordinance then this Ordinance and all rights under it shall at once cease and determine. Provided no forfeiture shall occur by reason of failure to comply with the terms of this Ordinance where the same are caused by strike or unforeseen emergencies not under contract of the Company.

Action XIII

This Ordinance shall not take effect or be in force until five days after publication thereof and the same has been approved by a vote of the taxpayers of the said City of Grand Junction, Colorado at a special election to be hereafter held.

Passed and Adopted by the City Council of the City of Grand Junction this 24th day of June A.D. 1904

Frank G. Leslie

City Clerk

Jos. W. Sauplins

Mayor

State of Colorado }
County of Mesa } S.S.
City of Grand Junction }

I, Frank G. Leslie, City Clerk of the City of Grand Junction, do hereby certify that the above and foregoing ordinance was introduced and read at length before the City Council of the City of Grand Junction on the 24th day of May, A.D. 1904, the same being a regular meeting thereof. And that said ordinance was by order of said City Council published in full in The Daily Sentinel in Grand Junction, Colorado, on the 28th day of May, A.D. 1904, the same being a legal publication thereof as required by law.

And I further certify that at a subsequent regular meeting of the said City Council held on the 24th day of June, A.D. 1904, being more than ten days after said publication, said Ordinance was read at length and considered by the City Council, and as the same appears above, was duly passed and adopted on said day by said City Council as an Ordinance of said City.

Witness my hand and the seal of said City this 25th day of June A.D. 1904.

Frank G. Leslie, City Clerk.

Publication in Daily Sentinel June 28th A.D. 1904.

AMENDED ACCEPTANCE BY THE CITIZENS GAS & COKE COMPANY
OF THE TERMS, CONDITIONS AND PROVISIONS OF ORDINANCE NO. 126 OF THE
CITY OF GRAND JUNCTION.

The Citizens Gas & Coke Company hereby files its ammended acceptance and hereby accepts all of the terms, conditions and provisions of Ordinance No. 126 of the City of grand junction, passed and adopted by the city council of the said city upon the 24th day of June, A. D. 1904; and which Ordinance was duly ratified, approved and adopted by the voters of said city of Grand junction at the general election held in said city upon the 4th day of April A. D., 1905; and hereby certifies to the said city council of said city its acceptance of all the terms conditions and provisions of said Ordinance, and also certifies that it has within six months after the adoption of said Ordinance, commenced work upon the erection and construction of its Gas Plant, works and ways, that within eighteen months after the passage and adoption of said Ordinance it has completed the construction thereof so as to be able to deliver to consumers not less than twenty thousand cubic feet of gas per day.

IN WITNESS WHEREOF, We have hereunto set our hands and the corporate seal of this corporation, this 20th day of February, A. D. 1907.

The Citizens Gas & Coke Company by W. G. White President
Attest H. M. Case Secretary.

(Corporate Seal)

Filed in the office of City Clerk of
Grand Junction Colorado. this 25th day of February
A. D. 1907 at the hour of 10 am

John M. Conley
City Clerk of Grand Junction, Colo.

STATE OF COLORADO)
County of Mesa) ss.
City of Grand Junction)

We, the undersigned, canvassing Board, duly organized and constituted for the purpose of canvassing the returns of the general city election held in the various wards of the city of Grand Junction, Colorado on April 4, 1905, at which general city election the question of adoption and approval of Ordinance No. 126, being an Ordinance entitled: "An ordinance to authorize The Citizens' Gas & Coke Company (a corporation) to construct, erect, operate and maintain gas-works and a system of pipe lines within the corporate limits of the city of Grand Junction, Colorado; and to sell and deliver gas to consumers therein for heating, illuminating, power, domestic, commercial and other uses, and to authorize said company to excavate for, own, lay and repair pipe lines in, across and through the streets and public grounds and alleys thereof" was submitted to the qualified voters of the city of Grand Junction who are tax-payers under the law, for their adoption or rejection.

And we hereby certify that the official returns of said election from each and all of the wards of said city of Grand Junction show that there was cast: "For granting a franchise to The Citizens' Gas & Coke Co." 307 votes; and "Against granting a franchise to The Citizens & Gas & Coke Company" 229 votes; and that the said returns therefore show that the said proposition has carried at said election and Ordinance No. 126 has been approved by the qualified voters of the city of Grand Junction.

IN WITNESS WHEREOF We have hereunto set our hands this 7th day of April, A.D. 1905.

Frank Leslie
City Clerk.

Jr. M. Sampliner
Mayor.

Justice of the Peace.

RESOLUTION.

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BE IT RESOLVED by the City Council of the city of Grand Junction, Mesa County, Colorado:

THAT WHEREAS Ordinance No. 126 granting a franchise to The Citizens' Gas & Coke Company for the building of a gas plant, etc., within the city limits of the city of Grand Junction provides that work must be commenced in the building of said plant within six months from the date of the passage of this Ordinance.

AND WHEREAS, the said Ordinance was passed by the City Council on the 24th day of June, 1904, but the vote required by law to be taken thereon by the taxpayers of the city of Grand Junction was not had until the 4th day of April, A.D. 1905.

THEREFORE BE IT RESOLVED by the City Council in meeting assembled that the time to commence work under said Ordinance as therein provided was understood and meant that said six months should not begin to run until the adoption by the taxpayers of said city at the election held for that purpose; and in order to eliminate all doubt as to the time such work should commence to secure the franchise granted to said company by said Ordinance No. 126.

IT IS HEREBY RESOLVED that such work shall commence within six months from April 4, 1905, the date said ordinance was finally adopted by the vote of the taxpayers of the said city of Grand Junction, Mesa County, Colorado. And the acceptance to of said ordinance No. 126 as therein provided shall be filed by said Company within ten days from the 4th. day of April A.D. 1905, the date of the final passage of said ordinance by the tax payers of said City at the election held on that day.

Passed and adopted April 11'1905
By the City Council -
Frank G. Leslie
City Clerk

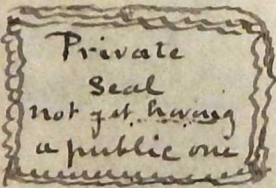
TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE
CITY OF GRAND JUNCTION, COLORADO.

Gentlemen:--

The undersigned, THE CITIZENS' GAS & COKE COMPANY, hereby accept the provisions of Ordinance No. 126 granting a franchise to said company to build, construct, operate and maintain gas works, etc.

DATED at Grand Junction, Colorado this 11th day of April,

A.D. 1905.



ATTEST:

George A. Currie

Secretary.

The Citizens Gas & Coke Co
By Geo Smith

Vice-president.

E.M. Slocumb
Director