

Ordinance No. 140

A Bill

For

An Ordinance extending the franchise of the Grand Junction Electric and Gas Company.

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Be it ordained by the City Council of the City of Grand Junction, Colorado:

That, Whereas, on November 24th, 1890, an ordinance was adopted by the board of Trustees of the town of Grand Junction granting to J. Frowbridge Bailey and Thomas B. Stearns and their legal representatives the right, among other things, to construct, maintain and operate an electric lighting plant in the then town, now City, of Grand Junction; and

Whereas, the said Bailey, Stearns, their successors and assigns forfeited all rights under said ordinance save and accept the right to construct, maintain and operate an electric lighting plant, which franchise is now vested in the Grand Junction Electric and Gas Company, a corporation organized under the laws of the State of Colorado; and

Whereas, the said Company is the only corporation or person furnishing electric lights to the City of Grand Junction and its inhabitants, and it is decided that said Company shall continue to furnish electric lights as aforesaid and for that purpose shall extend its transmission lines to all parts of said City, and the said Company is unwilling to extend its transmission lines unless its franchise, which expires on November 24th, 1910, is extended;

Now, Therefore:

Section I.

The right, privilege and franchise of using the streets, avenues and alleys of the City of Grand Junction, Colorado, for the purpose of transmitting to the different parts of said City, and to the several residences and places of business of the inhabitants thereof, electrical energy to be used for power, light and all beneficial purposes, is hereby granted to the Grand Junction Electric and Gas Company, its successors and assigns, and its existing franchise so to do is hereby extended for the full period of twenty-five years from and after the passage and approval of this ordinance, subject, however,

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to the conditions, stipulations and requirements hereinafter recited.

Section II

All wire shall be laid in under ground conduits, or shall be run on poles which shall be not less than twenty-five feet in length, be set in the ground not less than five feet and be not less than five inches in diameter at the smaller end, and be set in such places as the City Council may direct. Such transmission lines and all wires and other apparatus used in connection therewith shall be maintained and kept in repair under the supervision of said City Council.

Section III

Said Company shall at all times keep its transmission lines in such condition as to render the use of electric current safe to life and property using such safe-guards as science and experience may demonstrate are practicable; shall do all work in such manner as to give to the inhabitants of said City the least possible inconvenience in the use and occupancy of the streets, avenues, alleys and public places, and so as to interfere as little as possible with the laying of gas and water pipes, sewers and drains. All excavations occasioned in doing such work shall be refilled and settled with water, graded and repaired by the Company, its successors and assigns, at its own cost and expense in a good, substantial and workmanlike manner as soon as practicable. And the said Company, its successors and assigns, shall be 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, in subsequent repairs and changes thereof, and shall hold the said City of Grand Junction safe and harmless from any and all loss and damage by reason thereof.

Section IV

No lamps or wires shall be placed or strung by said Company at a height of less than eighteen feet above the streets, unless express permission of the said City Council shall be first had and obtained. And said Company shall at all times, act of God, accident, and unavoidable casualty excepted, be prepared to furnish to said City and its inhabitants a good standard quality of electric light for illuminating purposes for a compensation not to exceed the rate of twelve and one half cents (12½ cts) per Kilowatt hour.

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Section V

The rights, privileges and franchises hereby granted are granted upon the express condition that said City of Grand Junction shall have the right and power to purchase or condemn the works of said Company heretofore and hereafter to be acquired at the cash value thereof, and at a price excluding the value of the franchise or right of way through the streets of the City and also excluding any value by virtue of any contract entered into with the municipality in excess of the actual value of the works, provided that nothing herein shall authorize the condemnation of such works within twenty years after their original erection or construction, except at periods of ten and fifteen years after the granting of this franchise therefor, and provided further that in consideration of the said Company undertaking to extend its transmission lines and to supply said City with electric light, the said City binds itself not to compete with said Company in furnishing, and not to be interested in any manner in the furnishing of, electrical energy in any part of the City or the additions thereto, except for municipal purposes, unless the City shall first acquire the property of said Company by purchase or condemnation as aforesaid.

Section VI

Nothing contained in this ordinance shall in any way affect the contract now existing between the City of Grand Junction and the said The Grand Junction Electric and Gas Company, expiring November 1st, 1916, concerning electric light rentals for street lighting purposes.

Section VII

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 three (3) per cent of the gross receipts from the sale of electricity during the life of this franchise, said sum to be paid to said city at the end of every 90 days from the date of the passage and approval of this ordinance. 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 an agent of said city duly appointed for such purpose by the City Council.

Section VIII

This ordinance shall take effect and be in force from and after its passage and approval,

Ordinance No. 140 Concluded.

provided the Grand Junction Electric and Gas Company shall within thirty days after such approval file with the City Clerk of the City of Grand Junction its written acceptance of this ordinance and agree to perform and abide by all the conditions, terms and provisions hereinabove mentioned.

Passed and adopted this 12th, day of December, a. d. 1906

W. M. Smith
Mayor.

John M. Conley
City Clerk.

I, John M. Conley, City Clerk of the City of Grand Junction, Colorado, do hereby certify that the above Ordinance, the same being numbered 140, was duly introduced and read in full at the regular meeting of the City Council of the City of Grand Junction on the 14th day of November, 1906, and thereupon by vote of said Council the same was ordered to be published in the Daily Sentinel, a daily newspaper of general circulation published in said City of Grand Junction, for a period of not less than two weeks; that said ordinance was duly published for a period of not less than two weeks in said newspaper prior to the 12th day of December, a. d. 1906; that on said last named date, at the regular meeting of said City Council, said ordinance was again read in full and placed upon its ^{final} passage, ^{and duly passed and adopted by said City Council} ^{considered by the Council and} that due notice that said ordinance would be presented at the regular meeting of said City Council on the 14th day of November, a. d. 1906, was given by publishing a ^{notice of} application therefor, for a period of not less than two weeks immediately prior to said regular meeting of said City Council in the said the Daily Sentinel, a newspaper as aforesaid, and evidence of such publication according to law of the said notice and Ordinance, was submitted to the City Council on said 14th day of Nov. 1906, before acting on or considering the same.

John M. Conley
Clerk of the
City of Grand Junction, Colorado.

Final publication January 19th a. d. 1907 in the Herald.
the official paper Grand Jct. Colo.

ACCEPTANCE AND AGREEMENT.

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The Grand Junction Electric and Gas Company, a corporation under the laws of Colorado, and the grantee named in an ordinance numbered 140 of the City of Grand Junction, entitled, "A bill for an ordinance extending the franchise of The Grand Junction Electric and Gas Company," passed and approved December 12th, A. D. 1906, providing for an extension of the right, privilege and franchise of using the streets, avenues and alleys of the City of Grand Junction, Colorado, for the purpose of transmitting to different parts of said City and to the several residences and places of business of the inhabitants thereof, electrical energy to be used for power, light and all beneficial purposes, hereby accepts said ordinance, in consideration of the rights and privileges therein granted, and agrees to perform and abide by all the conditions, terms and provisions contained and set forth therein.

Dated at Grand Junction, Colorado, this 19th day of December, A. D. 1906.

THE GRAND JUNCTION ELECTRIC AND GAS COMPANY

By Charles M. Minter
President.

Attest:

Fred. K. H. Newton
Secretary.

Grand Junction, Colorado Dec. 19th & D. 1906.

The foregoing acceptance and agreement was filed in my office at 10³⁰ a.m. Dec. 19th, A. D. 1906.

John M. Conley
City Clerk of Grand Junction
Colorado.