

# ORDINANCE 156

AN ORDINANCE GRANTING TO PACIFICORP, DOING BUSINESS AS UTAH POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC LIGHT, HEAT, AND POWER FRANCHISE

BE IT ORDERED BY THE TOWN COUNCIL OF THE TOWN OF ELSINORE, UTAH:

SECTION 1. THAT THERE IS HEREBY GRANTED TO PACIFICORP, DOING BUSINESS AS UTAH POWER AND LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS (HEREIN CALLED THE "GRANTEE"), THE RIGHT, PRIVILEGE, AND FRANCHISE, UNTIL OCTOBER 4, 2019 TO CONSTRUCT, MAINTAIN, AND OPERATE IN THE PRESENT AND FUTURE STREETS, ALLEYS, AND PUBLIC PLACES IN ELSINORE, UTAH, AND ITS SUCCESSORS, ELECTRIC LIGHT AND POWER LINES, TOGETHER WITH ALL THE NECESSARY OR DESIRABLE APPURTENANCES (INCLUDING UNDERGROUND CONDUITS, POLES, TOWERS, WIRES, TRANSMISSION LINES, AND TELEGRAPH AND TELEPHONE LINES FOR ITS OWN USE) FOR THE PURPOSE OF SUPPLYING ELECTRICITY TO SAID TOWN, THE INHABITANTS THEREOF, AND PERSONS AND CORPORATIONS BEYOND THE LIMITS THEREOF FOR LIGHT, HEAT, POWER, AND OTHER PURPOSES.

SECTION 2. POLES AND TOWERS SHALL BE SO ERECTED AS TO INTERFERE AS LITTLE AS POSSIBLE WITH TRAFFIC OVER SAID STREETS AND ALLEYS.

SECTION 3. ALL LINES CONSTRUCTED UNDER THIS GRANT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ESTABLISHED PRACTICES WITH RESPECT TO ELECTRICAL CONSTRUCTION. THE GRANTEE SHALL COMPLY WITH ALL TOWN ORDINANCES PRESENTLY EXISTING OR AS AMENDED FROM TIME TO TIME.

SECTION 4. THE TOWN SHALL IN NO WAY BE LIABLE OR RESPONSIBLE FOR ANY ACCIDENT OR DAMAGE THAT MAY OCCUR IN THE CONSTRUCTION, OPERATION, OR MAINTENANCE BY THE GRANTEE OF ITS LINES AND APPURTENANCES HEREUNDER, AND THE ACCEPTANCE OF THIS FRANCHISE SHALL BE DEEMED AN AGREEMENT ON THE PART OF SAID GRANTEE, ITS SUCCESSORS AND ASSIGNS, TO INDEMNIFY AND HOLD IT HARMLESS AGAINST ANY AND ALL LIABILITY, LOSS, COST, DAMAGE, OR EXPENSE WHICH MAY ACCRUE TO SAID TOWN BY REASON OF THE NEGLIGENCE, DEFAULT OR MISCONDUCT OF THE GRANTEE IN THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF ITS LINES AND APPURTENANCES HEREUNDER.

SECTION 5. THE GRANTEE SHALL FILE ITS WRITTEN ACCEPTANCE OF THIS FRANCHISE WITH THE TOWN CLERK WITHIN THIRTY (30) DAYS AFTER ITS PASSAGE.

SECTION 6. THIS ORDINANCE ASSIGNED NO. 156 SHALL TAKE EFFECT AS SOON AS IT SHALL BE PUBLISHED OR POSTED AS REQUIRED BY LAW, DEPOSITED AND RECORDED IN THE OFFICE OF THE TOWN CLERK, AND ACCEPTED AS REQUIRED HEREIN.

SECTION 7. IF ANY SECTION, SUBSECTION, SENTENCE, CLAUSE OR PARAGRAPH OF THIS ORDINANCE IS FOR ANY REASON HELD TO BE UNCONSTITUTIONAL, VOID, OR UNLAWFUL, SUCH DECISION SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE.

PASSED BY THE TOWN COUNCIL OF THE TOWN OF ELSINORE, UTAH, THIS 4<sup>TH</sup> DAY OF OCTOBER, 1994.