

First Reading July 22, 1986  
Second Reading: Sept. 9, 1986

ORDINANCE NO. 604

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF BERTHOUD, LARIMER COUNTY, COLORADO, TO POUDRE VALLEY RURAL ELECTRIC ASSOCIATION, INC., AND APPROVING A FRANCHISE AGREEMENT

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WHEREAS, Poudre Valley Rural Electric Association, Inc. (Poudre Valley) caused a notice of its intention to apply to the governing body of the Town of Berthoud, Colorado (Town) for the passage of an ordinance granting such franchise; and

WHEREAS, Poudre Valley caused proper notice to be published in a newspaper of general circulation in the Town in accordance with applicable statutes and presented proof of compliance to the Town's governing body in the form of a publisher's affidavit of publication;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER COUNTY, COLORADO:

Section 1. Grant of Franchise. There is hereby granted by the Town to Poudre Valley a franchise for the right, privilege and authority to locate, build, rebuild, construct, reconstruct, extend, maintain and operate into, within and through the public rights-of-way for the storage, exchange, purchase, transmission and distribution of electrical energy, including selling and distribution of electrical energy to the Town as a retail consumer and to the inhabitants of the Town, for any purposes, by means of conduits, cables, poles with wires strung thereon, structures or otherwise, on, over, under, along, across, and through the public rights-of-way in the Town and on, over, under, along, across and through any extension, connection with or continuation of the same as they may be hereafter laid out, opened, located or constructed within the territory now or hereafter included in the boundaries of the Town.

SECTION 2. Approval of Franchise Agreement and Authorization of Execution. The mayor and town clerk be and hereby are authorized and directed to enter into a Franchise Agreement with Poudre Valley that more fully describes and sets forth the terms and conditions of the franchise hereby granted. Such Franchise Agreement shall generally be in the form and substance approved by the Board of Trustees at first reading of this ordinance.

SECTION 3. Provisions of Such Franchise Agreement. The Franchise Agreement hereby authorized shall contain and more fully describe, however shall not be limited to, the following provisions:

(a) The manner of use and repair by the Association of the Town's rights-of-way.

(b) The manner by which the Town shall be held harmless from liability, damage or expenses arising out of the negligent exercise by the Association of the rights and privileges thereby granted.

(c) The manner by which the Town may attach to the poles of the Association for the purpose of stringing wires thereon for its fire alarm, water control wires, and police signal system.

(d) The manner of assessment and amount of an appropriate franchise fee to be paid to the Town in lieu of all occupancy, occupation and license taxes or other taxes or assessments.

SECTION 4. Term - Effective Date. This Ordinance shall become effective as provided by law, thirty (30) days after its publication following final passage, and the franchise shall remain in full force and effect for a period of twenty (20) years from and after said effective date according to the terms of the Franchise Agreement.

At its meeting July 22, 1986, the Ordinance was read in full, and the Board of Trustees of the Town of Berthoud passed the Ordinance and ordered it published. The Ordinance was read in full, a public hearing was held, and the Ordinance was passed on Second Reading on September 9, 1986.

TOWN OF BERTHOUD, COLORADO

Tommy B. Leibert  
Mayor

ATTEST:

Orville L. Patterson  
Town Clerk

10-1-86  
Published