

206. AN ORDINANCE GRANTING TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN IN THE CITY OF BIRCHWOOD, MINNESOTA, AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, POLE LINES AND FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE CITY AND ITS INHABITANTS, AND OTHERS AND TO USE THE PUBLIC WAYS AND PUBLIC GROUNDS OF SAID CITY FOR SUCH PURPOSES.

206.010. There be and hereby is granted to Northern States Power Company, a Minnesota corporation, its successors and assigns, hereinafter referred to as "Company" during the period of 1990 - 2010, the right and privilege of constructing, operating, repairing, and maintaining in, on, over, under and across the streets, alleys, and public grounds of the Birchwood, Washington County, Minnesota, hereinafter referred to as "City" an electric distribution system and electric transmission lines, including poles, pole lines and fixtures and appurtenances, usually conveniently or necessarily used in connection therewith for the purpose of transmitting and furnishing electric energy for light, heat, power and other purposes for public and private use in and to said City and the inhabitants thereof and others, and for the purpose of transmitting into and through said City such electric energy provided that such electric distribution system and transmission lines shall be so located as in no way to interfere with the safety and convenience of ordinary travel along and over said streets, alleys and public grounds and provided that Company, in construction, operation, repair and maintenance of such poles, pole lines and fixtures and appurtenances, shall be subject to such reasonable regulation as may be imposed by the City Council.

206.020. The service to be provided and the rates to be charged by Company for electric service in the City shall be subject to the jurisdiction of the Public Utilities Commission of this State. Company shall provide reasonably efficient and adequate service to members of the public within the City who apply for such service in accordance with the rules and regulations of Company.

206.030. There is also granted to Company during the term hereof, permission and authority to trim all trees and shrubs in the streets, alleys, and public grounds of said City, which may interfere with the proper construction, operation, repair and maintenance of any poles, pole lines and fixtures and appurtenances, installed in pursuance of the authority hereby granted, provided that Company shall save said City harmless from any liability in the premises.

206.040. The City shall give the Company at least two weeks prior written notice of a proposed vacation of a public way. Except where required solely for a City improvement project, the vacation of any public way, after the installation of electric facilities, shall not operate to deprive Company of its rights to operate and maintain such electric facilities until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to Company. In no case, however, shall City be liable to the Company for failure to specifically preserve a right-of-way under Minnesota Statutes 160.29.

206.050. Company shall have full right and authority to assign to any person, persons, firm, or corporation all the rights conferred upon it by this Ordinance, provided that the assignee of such rights, by accepting such assignment shall become subject to the terms and provisions of this Ordinance.

206.060. Company shall, if it accepts this Ordinance and the rights and obligations hereby granted, file a written acceptance of the rights hereby granted with the City Clerk within ninety (90) days after the final passage and any required publication of this Ordinance.

206.070. This Ordinance shall be in full force and effect from and after its passage, any publication required by law and acceptance by Company.

206.080. Where a provision of any other Ordinance conflicts with the provisions of this Ordinance, the provisions of this Ordinance shall prevail.