

ORDINANCE 78

AN ORDINANCE GRANTING PERMISSION TO NORTHERN STATES POWER COMPANY ITS SUCCESSORS AND ASSIGNS, TO ERECT, ENLARGE, OPERATE, AND MAINTAIN, IN THE VILLAGE OF BIRD ISLAND, MINNESOTA, TRANSMISSION LINES AND ELECTRIC DISTRIBUTING SYSTEM, INCLUDING NECESSARY POLES, POLE LINES, MASTS, WIRES, AND FIXTURES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE VILLAGE AND ITS INHABITANTS, AND OTHERS, AND TRANSMITTING ELECTRIC ENERGY INTO AND THROUGH THE VILLAGE, AND TO USE THE STREETS, ALLEYS, AND PUBLIC GROUNDS OF SAID VILLAGE FOR SUCH PURPOSES,

THE VILLAGE COUNCIL OF THE VILLAGE OF BIRD ISLAND, RENVILLE COUNTY DO ORDAIN AS FOLLOWS:

SECTION 1. That there be and hereby is granted to Northern States Power Company, a Minnesota corporation, its successors and assigns, hereinafter referred to as a "Company", during the period of twenty (20) years from the date hereof, the right and privilege of erecting, enlarging, operating, repairing, and maintaining, in, upon, and across the streets, alleys, and public grounds of said Village electric transmission lines and a electric distributing system, including all necessary, usual, or convenient poles, pole lines, masts, wires, lamps, transformers, and other 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 use in and to said Village and the inhabitants thereof, and others, and for the purpose of transmitting to and through said Village such electric energy, provided that such pole 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, and alleys, and provided that Company in the erection and maintenance of such poles, masts, wires, lamps, transformers, fixtures, and transmission lines, shall be subject to such reasonable regulations as may be imposed by the Village Council

Section 2. That the rates to be charged by the Company for the electric energy sold within said Village, shall be reasonable and shall not exceed Company's standard schedule of rates and minimum charges effective for and in communities of like size in adjoining territory which are similarly served and situated.

Section 3. 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 Village interfering with the proper erection and maintenance of any poles, cables, wires or any other fixtures installed in pursuance of the authority hereby granted, providing that Company shall save said Village harmless from any liability in premises.

Section 4. Nothing in this Ordinance contained shall be construed as giving to Company any exclusive privilege in, on, over, or across any of the streets, alleys, or public grounds of said Village.

Section 5. 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.

Section 6. Company shall, if it accepts this ordinance and the rights hereby granted, file a written acceptance of the franchise rights hereby granted with the Village Clerk within ninety (90) days from the date of the publication of this ordinance.

Section 7. This Ordinance shall be in full force and effect from and after its passage and publication, as provided by law.

Section 8. All ordinance and parts of ordinance in conflict herewith are hereby repealed.

Passed and approved August 23, 1951

Jim Dwyer, Mayor

Jay S. Burrell, Village Clerk

**EXCERPTS OF MINUTES OF REGULAR MEETING OF THE VILLAGE OF BIRD ISLAND
COUNCIL OF THE VILLAGE OF BIRD ISLAND, RENVILLE COUNTY, MINNESOTA**

August 23, 1951 a regular meeting of the village council of the Village of Bird Island Minnesota, duly called, convened and held in accordance with law, was called to order by Mayor James Dwyer on August 23rd, 1951 at 7:30 o'clock P.M.

The following members, constituting a legal quorum, were present; James Dwyer, George Nemmers, William Leach, Iver Barnaal and J.S. Burrell

Trustee George Nemmers introduced a certain Ordinance No. 78 entitled;

“AN ORDINANCE GRANTING PERMISSION TO NORTHERN STATES POWER COMPANY, its successors and assigns, to erect, ENLARGE, OPERATE, AND MAINTAIN, IN THE VILLAGE OF BIRD ISLAND, MINNESOTA, TRANSMISSION LINES AND ELECTRICAL DISTRIBUTING SYSTEM, INCLUDING NECESSARY POLES, POLE LINES, MASTS, WIRES, AND FIXTURES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE VILLAGE AND ITS INHABITANTS, AND OTHERS, AND TRANSMITTING ELECTRIC ENERGY INTO AND THROUGH THE VILLAGE AND TO USE THE STREETS, ALLEYS, AND PUBLIC GROUNDS OF SAID VILLAGE FOR SUCH PURPOSES”

And on motion made, seconded, and duly adopted the above entitled Ordinance was read.

Thereafter a motion was made by Trustee George Nemmers and seconded by Trustee William Leach that the above entitled Ordinance be adopted as read and in its entirety.

On roll call the vote was as follows:

Ayes. George Nemmers, William Leach, Iver Barnaal, J.S. Burrell and James Dwyer

Nays. None

The Mayor then declared said motion duly carried and the above entitled Ordinance duly passed and adopted, and ordered the Village Clerk to publish the same in accordance with the law in such case made and provided.

Jim Dwyer, Mayor

Jay S. Burrell, Village Clerk