

CHAPTER 110

ELECTRIC FRANCHISE

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110.01 FRANCHISE GRANTED. There is hereby granted to Interstate Power and Light Company, hereinafter referred to as the "Company," its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate in the City of Guthrie Center, Guthrie County, Iowa, works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the transmission of electric current along, under and upon the streets, avenues, alleys and public places, transmission lines through the said City of Guthrie Center, Guthrie County, Iowa, to supply individuals, corporations, communities, and the municipalities both inside and outside of said City with electric lights, heat and power for the period of twenty-five (25) years subject to a limited right of cancellation at the end of the fifth (5), tenth (10), fifteenth (15), and twentieth (20) year anniversaries of the Anniversary Date as defined within; also the right of eminent domain as provided in Section 3654.2 of the Code of Iowa.

110.02. CONSTRUCTION. The construction of said transmission and distribution systems shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys, and public places in said City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City, and the said Company, its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the company in the erection or maintenance of said system.

110.03 METERS. The Company, its successors and assigns, shall furnish and install all meters at its own expense, and shall provide the service wire to buildings as set forth in the Company's tariff filed with the Iowa Utilities Board.

110.04 UP-TO-DATE. The system authorized by this Ordinance shall be modern and up-to-date and shall be of sufficient capacity to supply all reasonable demands of said City and its inhabitants thereof and shall be kept in a modern and up-to-date condition.

110.05 EXCLUSIVE. The franchise granted by the Ordinance shall not be exclusive.

110.06 ACTS OF GOD. Service to be rendered by the Company under this franchise shall be continuous unless prevented from doing so by fire, Acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company's equipment, and in such event service shall be resumed as quickly as is reasonably possible.

110.07 TERM. The term of the franchise granted by this Ordinance and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the said Company, as herein provided. The City may cancel this franchise on the fifth (5), tenth (10), fifteenth (15), and twentieth (20) year anniversaries of the Anniversary Date of this franchise by notifying Company in writing of its desire to do so, said notification to be given within thirty (30) days of the fifth (5), tenth (10), fifteenth (15), or twentieth (20) anniversary respectively of this franchise. If Company is not notified of the cancellation by the fifth (5), tenth (10), fifteenth (15), or twentieth (20) anniversary then this franchise shall continue without cancellation until the twenty-fifth (25) year. The Anniversary Date shall be the date this franchise is filed with the City Clerk or otherwise effective by operation of law.

EDITOR'S NOTE

Ordinance No. 2004-02 granting an electric franchise for the City was passed and adopted on May 10, 2004.

Voters approved the franchise at the election held on June 29, 1974. The Grantee accepted the franchise on July 29, 1974.