

ORDINANCE

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AN ORDINANCE GRANTING TO IOWA ILLINOIS TELEPHONE COMPANY, A DELAWARE CORPORATION, ITS LESSEES, SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE, RIGHT AND PRIVILEGE FOR A PERIOD OF TWENTY-FIVE (25) YEARS TO USE THE STREETS, ALLEYS, BRIDGES AND OTHER PUBLIC PLACES OF THE CITY OF FARMINGTON, IOWA, FOR THE PURPOSE OF ERECTING, MAINTAINING AND OPERATING A TELEPHONE SYSTEM INCLUDING ALL NECESSARY APPURTENANCES, AND PRESCRIBING CERTAIN TERMS AND CONDITIONS UNDER WHICH SAID COMPANY IS TO OPERATE

BE IT ORDAINED by the Council of the City of Farmington, Iowa:

SECTION 1 Franchise Granted Iowa Illinois Telephone Company, a Delaware Corporation, its lessees, successors and assigns, hereinafter referred to as the grantee are hereby granted the non-exclusive franchise, right and privilege for a period of twenty-five (25) years to use the streets, alleys, bridges, and other public places of the City of Farmington, Iowa, for the purpose of erecting, maintaining and operating a telephone system including all necessary appurtenances and to use jointly or otherwise, the property of other companies and permit other companies to use its property under such arrangements as such companies and the grantee may agree upon.

SECTION 2 Location of Poles The location of poles by the grantee under authority of this Ordinance shall be subject to the supervision of the street commissioner or such other official as the Council may designate. All poles shall be neat and symmetrical and be so located as to minimize interference with the safety or convenience or persons traveling the streets, alleys, bridges and other public places.

SECTION 3 Repair of Sidewalk or Street Pavement The grantee shall properly repair or replace any sidewalk or street surface which may be displaced or damaged by it in the erection and maintenance of its telephone system. Upon the failure of the grantee to do so and after twenty days notice in writing given by the Mayor to the grantee, the City of Farmington, Iowa, may repair or replace such portion of the sidewalk or street surface as may have been disturbed by the grantee and collect the costs so incurred from the grantee.

SECTION 4 Signal Wires The grantee shall, on demand, during the life of this franchise, provide crossarm or bracket space on each pole owned by it on which the City of Farmington, Iowa, may desire to attach

signal wires for the free use of the police and fire alarm systems of the municipality. All such wires shall be placed and maintained so as not to interfere with the convenient use and maintenance of the grantee's telephone system and the location of such wires shall be subject to the supervision of the grantee. All such wires shall be placed and maintained in accordance with the National Electric Safety Code, as from time to time amended.

SECTION 5 Official Telephone The grantee shall, during the life of this franchise, install and maintain at its own expense at such municipal office as the council may designate, one business telephone (wall or desk) for the official use and benefit of the municipality.

SECTION 6 Franchise Subject to Authority of Municipality The grantee agrees for and in behalf of itself, its lessees, successors and assigns, that all authority and rights granted in this Ordinance shall be subject to all rights, powers, and authority now or hereafter possessed by the City of Farmington, Iowa, to regulate, control and direct or otherwise by Ordinance or Resolution legislate concerning the exercise of the franchise herein granted and concerning the manner in which the grantee shall use the streets, alleys, bridges, and other public places of the municipality.

SECTION 7 The grantee is protected and save the City harmless from any and all cause of action, litigation, damage, loss, cost or expense which may accrue through or by reason of the construction, re-construction, maintenance and operation of said telephone system or the exercise of any other rights of the grantee under and by virtue of the privilege granted in said Ordinance.

SECTION 8 When Effective This Ordinance shall be effective upon its passage, approval and publication, its approval by the majority of the electors of the City of Farmington, Iowa, voting thereon at a special election called for that purpose and upon the filing of a written acceptance by the grantee with the Clerk of said City.

Jay P. Armstrong, Mayor

Opal Armstrong, Clerk
July 1965

Reviewed 1/20/78
Reviewed 9/10/15