

AN ORDINANCE GRANTING TO JOHN R. MCKINNEY, M. F. ALBERT, L. V. PATCH, O. H. AVEY AND D. L. INGARD, THEIR EXECUTORS, ADMINISTRATORS AND ASSIGNS THE EXCLUSIVE RIGHT TO CONSTRUCT AND OPERATE WORKS FOR THE MANUFACTURE OF GAS AND THE LAYING DOWN OF PIPES AND CONDUITS FOR THE INTRODUCING INTO AND SUPPLYING THE CITY OF PAYETTE, IDAHO, ITS INHABITANTS, AND ANY PERSON, FIRM OR CORPORATION THEREIN, WITH GAS FOR HEATING, COOKING, POWER, AND ANY AND ALL OTHER PURPOSES.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PAYETTE, IDAHO:

SECTION 1. Subject to the terms and conditions of this Ordinance it is hereby granted to John R. McKinney, M.F. Albert, L. V. Patch, O. H. Avey and D. L. Ingard, their executors, administrators and assigns the right to construct and operate works for the manufacture, storage and development of natural or artificial gas within the City of Payette, Idaho; also the exclusive right, privilege and authority of laying down pipes and conduits along, upon and under all avenues, streets, alleys and public places in the said City for the purpose of placing, operating, repairing and maintaining a line or lines of gas mains, pipes and conduits together with all feeders, service pipes and connections, necessary, requisite or expedient for the distribution of gas for heating, cooking, power and any and all other purposes.

SECTION 2. The said John R. McKinney, M. F. Albert, L. V. Patch, O. H. Avey and D. L. Ingard, their executors, administrators and assigns shall do no permanent injury to any street, sidewalks, alley, avenue, public place or shade trees, or in any manner unnecessarily disturb or interfere with any water pipe, sewer pipe, gas pipe, conduit or any other under ground work now or hereafter to be laid by said City or any authorized person, firm or corporation; and when they shall open ground in any street it shall be their duty to forthwith restore the pavements, sidewalks, grounds, water pipes, sewer pipes, gas pipes, conduits and any and all works to as good a condition as it was before, all at their own expense; and if they or either or any of them shall fail, neglect or refuse to do or perform any of the conditions imposed by this or any other section of this ordinance for a period of thirty days after written notice given by the City Clerk of said City of Payette, Idaho, stating in general terms of what such failure, neglect or refusal pertains to, then and in such event all rights and privileges given under the terms of this ordinance may at the election of the City of Payette, Idaho, be declared forfeited and all such rights and privileges shall be immediately forfeited upon such declaration being so made. Such notice shall be given by the City Clerk by publication thereof in one issue of the official newspaper of said City of Payette, Idaho, and the computation of time shall commence with the day after such publication.

SECTION 3. The said John R. McKinney, M. F. Albert, L. V. Patch, O. H. Avey and D. L. Ingard, their executors, administrators and assigns shall remove or change any gas main, pipe, service pipe, feeder, conduit or connection which may be in the way of or interfere with the construction or erection of any public building or public structure; and any and all excavation made by them or either of them in any street, alley or public place within the corporate limits of the said City of Payette, Idaho, shall be under the direction and supervision of the City Council of said City of Payette.

SECTION 4. The said John R. McKinney, M. F. Albert, L. V. Patch, O. H. Avey and D. L. Ingard, their executors, administrators and assigns shall not open or encumber more of any street, avenue, alley or public place at any one time than may be necessary to enable them to proceed with advantage in laying all such main pipes, feeder or service pipes, nor shall they permit any such street, alley, avenue, or public place to remain open or encumbered for a longer period than shall be necessary to execute the work for which the same shall have been opened, or without putting up necessary barriers and lights, so as to effectually prevent the happening of any accident in consequence of such opening or encumbering of any such street, alley, avenue or public grounds.

SECTION 5. The said John R. McKinney, M. F. Albert, L. V. Patch, O. H. Avey and D. L. Ingard, their executors, administrators and assigns shall be liable to and shall compensate the City of Payette and any private individual, owner or owners, or parties interested in any property injured by them for all damages which may result from leaks of any pipes used by them or by reason of their having negligently opened or encumbered any street, avenue, alley or public place or not properly protected or guarded any such street, alley, avenue or public place in said City.

SECTION 6. The charges which the said John R. McKinney, M. F. Albert, L. V. Patch, O. H. Avey and D. L. Ingard, their executors, administrators and assigns shall make to the users of gas furnished by them shall be at such rates and schedules as the Public Utilities Commission or any authorized body or board, of the State of Idaho may from time to time direct and establish; and they shall at all times, in the operation of the franchise hereby granted, be subject to the order and control of the Public Utilities Commission or such other authorized body or board, of the State of Idaho.

SECTION 7. This ordinance is granted upon the express condition that the said John R. McKinney, M. F. Albert, L. V. Patch, O. H. Avey and D. L. Ingard, their executors, administrators and assigns shall within thirty days from the passage and approval of this ordinance sign an acceptance of the same, and file said acceptance with the City Clerk, and that the said John R. McKinney, M. F. Albert, L. V. Patch, O. H. Avey and D. L. Ingard, their executors, administrators and assigns begin operations and deliver gas in commercial quantities to at least thirty firms or families, either one or both, within eighteen months; and if they fail to do so, then this ordinance shall become null and void; provided and it is expressly understood between the City of Payette, and the said John R. McKinney, M. F. Albert, L. V. Patch, O. H. Avey and D. L. Ingard, their executors, administrators and assigns that an extension of time may be granted if such work is prevented by the elements, labor strikes, or railway accidents in which their materials are delayed, and such other incidents as are beyond human control. And if any interruption, for any of the above reasons, befall said John R. McKinney, M. F. Albert, L. V. Patch, O. H. Avey and D. L. Ingard, their executors, administrators and assigns they may have an extension of time corresponding to the time of such interruption.

SECTION 8. The rights and privileges granted by this ordinance shall be granted for the term of fifty years, from and after the passage, approval and publication of this ordinance; and all rights hereunder shall cease after the expiration of said term.

SECTION 9. That the said John R. McKinney, M. F. Albert, L. V. Patch, O. H. Avey and D. L. Ingard, their executors, administrators and

assigns, before entering upon the streets and alleys of the City of Payette, shall file with the City Clerk a good and sufficient bond running to the City of Payette, in the sum of Five Thousand Dollars (\$5000.00) with sureties to be approved by the City Council of the City of Payette, which bond shall be conditioned that they will replace all streets and alleys in as good repair after completing any excavation on such streets and alleys as they were in prior thereto.

1921. Passed and approved this 11th day of July,

S. P. Wood
Mayor of City of Payette.

ATTEST:

Martin DeSmet
City Clerk.

(SEAL)