

ORDINANCE NO. 371 BY: B. F. McCARROLL

AN ORDINANCE GRANTING TO THE IDAHO PETROLEUM COMPANY A CORPORATION, THE EXCLUSIVE RIGHT TO CONSTRUCT AND OPERATE GAS WORKS 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 the Idaho Petroleum Company, a corporation, duly organized and existing by virtue of the laws of the State of Idaho, and having its principal place of business at Payette, Idaho, its successors and assigns, the right to construct and operate works for the storage and development of natural gas within the City of Payette, Idaho; and also the exclusive right, privilege and authority of laying down pipes and conduits along, upon and under all avenues, streets, alleys, and all other 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. That all pipes, conduits and other structures which may be laid, placed or constructed in, upon, under or across any alley, avenue or street of the City of Payette, shall be laid, placed or constructed under the supervision of the said city and the cost of such supervision shall be paid by the said Idaho Petroleum Company.

Section 2. The said Idaho Petroleum Company, a corporation, its successors and assigns, shall do no permanent injury to any street, sidewalk, 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 underground work now or hereafter to be laid by the City of Payette or any other authorized person, firm or corporation; and when it shall open up ground in any street it shall be its duty to forthwith restore the pavements, sidewalks, grounds, water pipes, sewer pipes, gas pipes, conduits and any and all other works to as good a condition as it was before, all at its own expense; and if it, its successors or assigns, or any or all 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 the City of Payette, Idaho, stating in general terms of what such failure, neglect or refusal pertains to, then 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 made. Such notice shall be given by the City Clerke by publication thereof in one issue of the official newspaper in said City of Payette, Idaho, and the computation of time shall commence with the day after such publication.

Section 3. The said Idaho Petroleum Company, a corporation, its successors 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 it or either of them in any street, alley or public place within the corporate limits of said City of Payette, Idaho.

Section 4. The said Idaho Petroleum Company, a corporation, its successors and assigns, shall not open or encumber more of any street, avenue, alley, or public place within the corporate limits of the City of Payette, Idaho, at any one time than may be necessary to enable it or them to proceed with advantage in laying all such main pipes, feeder or service pipes, nor shall it or either of them 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 said opening or encumbering of any such street, alley, avenue or public grounds.

Section 5. The said Idaho Petroleum Company, a corporation, its successors and assigns, shall be liable to and shall compensate the City of Payette, Idaho, and any private individual, owner or owners or parties interested in any property injured by it or either of them for all damages which may result from leaks in any pipes used by them or either of them, or by reason of their having negligently opened or encumbered any street, alley, avenue or public place or by reason of not having properly protected or guarded any such street, alley, avenue or public place within said City of Payette, Idaho.

Section 6. The charges which the said Idaho Petroleum Company, a corporation, its successors and assigns shall make to the users of gas furnished by it or either of 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 it 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 authorized body or board of the State of Idaho.

Section 7. This franchise is granted upon the express condition that the said Idaho Petroleum Company, a corporation, its successors 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 of the said City of Payette, Idaho, and that the said Idaho Petroleum Company, its successors or assigns begin operations and deliver gas in commercial quantities to at least thirty consumers within eighteen months; and if it fails to do so then this ordinance shall become null and void; provided however, and it is expressly understood between the said City of Payette and the said Idaho Petroleum Company, a corporation, its successors 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 its materials are delayed and such other accidents or incidents as are beyond its control. And if any interruptions for any of the above reasons befall the said Idaho Petroleum Company its successors or assigns, it may then have an extension of time corresponding to the due relation of time of such interruption or interruptions.

Section 8. The rights and privileges granted by this ordinance shall be and are hereby granted for the term of fifty years from and after the passage and approval and publication of this ordinance; and all rights hereunder shall cease upon the expiration of said term. Provided, however, that if the said Idaho Petroleum Company, its successors and assigns, shall fail for six months to furnish gas to supply the bona fide demands of any person, firm or corporation, then the said City of Payette may declare this franchise void, and when such action is taken it shall be forthwith terminated and all rights and privileges hereunder at an end.

Section 9. That the said Idaho Petroleum Company, a corporation, its successors and assigns, before entering upon the streets and alleys of the City of Payette, Idaho, shall file with the City Clerk of said City a good and sufficient bond running to the City of Payette, Idaho, in the penal sum of Five Thousand Dollars (\$5000.00) with sureties to be approved by the City Council of the said City of Payette, Idaho, and which said bond shall be conditioned that the said Idaho Petroleum Company, a corporation, its successors and assigns, will replace all streets, avenues, alleys and other public places within the said City of Payette, Idaho, in as good condition and state of repair after completing any excavation on such streets, avenues, alleys, or public places within the corporate limits of the City of Payette, Idaho, as they were in prior thereto.

Passed and approved this 19<sup>th</sup> day of Sept 1927.

ATTEST:

Harriet Swank  
City Clerk.

J. R. Woodward  
Mayor of City of Payette, Idaho.

(SEAL)