

ORDINANCE NO. 10

AN ORDINANCE GRANTING TO SOUTHWESTERN ELECTRIC COOPERATIVE, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE AND FRANCHISE TO TRANSMIT AND DISTRIBUTE ELECTRICAL ENERGY IN THE COUNTY OF UNION, NEW MEXICO, AND USE THE ROADS, HIGHWAYS, AND OTHER PUBLIC PLACES FOR SUCH PURPOSES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE COUNTY OF UNION, STATE OF NEW MEXICO.

Section 1: That there is hereby granted to Southwestern Electric Cooperative, Inc., a New Mexico corporation, its successors or assigns hereinafter called the "Cooperative", the right, privilege and franchise of erecting, constructing, maintaining and operating an electric transmission, and distribution system consisting of poles, lines, wires, insulators, transformers, arms, braces, anchors, or other suitable structures and appurtenances installed thereon in, under or upon so many and in such parts of the public highways, streets, roads, and other public places in the County of Union, as the Cooperative, its successors or assigns, may elect to use for the purposes hereinafter specified and using such electrical transmission and distribution system for the purpose of transmitting and distributing and supplying electricity to the membership and customers of the cooperative for light, heat, power and all other lawful purposes.

Section 2: All electric lines shall be constructed and used under and pursuant to the provisions of this grant and in the exercise of the right, privileges and franchise herein granted shall be erected and constructed in a good and workmanlike manner and shall be maintained in compliance with the laws and safety regulations of the National Electric Safety Code.

Section 3: Cooperative shall upon erecting, constructing, replacing or repairing electric lines, place highways, streets, and roads and so much thereof as may have been damaged, in as good order and condition as they were before being disturbed or excavated for the purpose of erecting, constructing, replacing or repairing electric lines or any part thereof.

Section 4: The owner of the franchise shall have the right to erect, construct, maintain, replace and repair any electric lines from time to time as may be necessary and proper.

Section 5: The term of this franchise shall commence with the effective date hereof and continue and remain in full force and effect, for a period of 25 years from said date unless the Cooperative, its successors or assigns shall surrender or abandon said franchise or unless the same shall be forfeited by non-compliance with the terms hereof.

Section 6: The grant of this franchise is under and pursuant to the provisions of the laws of Section 62-1-3 NMSA, 1978 and other

provisions of the law of the State of New Mexico which relate to the granting of the privilege and franchise by the Counties of New Mexico.

Section 7: Cooperative agrees to furnish during the continuation of its franchise, adequate electric power and energy to the extent that the Cooperative has such power, energy and facilities available, to its consumers and members in the County of Union, State of New Mexico, under the tariff schedule and extension policies as approved and on file with the New Mexico Public Service Commission or its successors.

Section 8: No franchise tax, occupation tax or similar tax shall be imposed on the Cooperative, its successors or assigns by Union County for operations under this franchise.

Section 9: If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part of the provisions hereof, other than the part so decided to be invalid or unconstitutional.

Section 10: The Cooperative shall within ten days of the final approval of this Ordinance, file with the County Clerk of Union

County, State of New Mexico, a written acceptance of this Ordinance.

Introduced this 10th day of ~~August~~^{September}²⁸, 1991.

PASSED, APPROVED AND ADOPTED this 10th day of ~~August~~^{September}²⁸, 1991.

BOARD OF COUNTY COMMISSIONERS
UNION COUNTY, NEW MEXICO

By D. E. Carter
Chairman of the Board

ATTEST

Freida J. Birdwell
County Clerk
(SEAL)

Misc BOOK 74
PAGE 539 / 542 UNION CO., N.M.,
FILED FOR RECORD A.
Oct. 28 . 1991 AT 11:11 M.
FREIDA J. BIRDWELL, County Clerk
Freida J. Birdwell
RECORDER

