

ORDINANCE NO. 138

AN ORDINANCE GRANTING UNTO THE NATIONAL SUGAR MANUFACTURING COMPANY THE RIGHT, FRANCHISE AND PRIVILEGE OF LAYING AND MAINTAINING A WATER PIPE LINE IN CERTAIN STREETS AND PUBLIC PLACES IN THE TOWN OF SUGAR CITY, COLORADO.

WHEREAS, the Board of Trustees of the Town of Sugar City has heretofore, and on or about December 29, 1902, granted unto The National Beet Sugar Company a perpetual right to lay and maintain a water pipe line in certain streets of the said town; and

WHEREAS, the said Company has since said date changed its corporate name to The National Sugar Manufacturing Company, and has laid, maintained and operated the said water pipe line since said franchise was originally granted, and is now exercising all of the power and authority originally granted upon it by said franchise; and

WHEREAS, the said, The National Sugar Manufacturing Company, desires to change the location of a portion of the said water pipe line as originally laid and constructed, and has made application to the said Town of Sugar City to re-lay and re-locate a portion of the said water pipe line which is within the boundaries of the said Town of Sugar City, and the said Town of Sugar City is willing to grant such application upon the terms and conditions in this ordinance set forth;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Trustees of the Town of Sugar City, Colorado:



1. That The National Sugar Manufacturing Company be, and it is, hereby granted the right, franchise and privilege of constructing, maintaining and operating its water pipe line within the public street in the said Town of Sugar City, known and designated on the original plat thereof as "Nebraska Street", from the point where the said street intersects the South line of the right-of-way of the Missouri Pacific Railroad Company, and extending southward from such point of intersection to the South line of the corporate limits of said Town.

2. Said pipe line shall be constructed as nearly as practicable in the center line of said street, and shall be buried beneath the surface of said street at a distance of not less than two feet. Said water pipe line shall be installed and laid in a good, workmanlike manner, of such materials as the said Company shall select, and shall be inspected and approved before being covered with earth, by a representative of the Town of Sugar City. After said water pipe line is completely installed, the said Company shall place the surface of said street in as good condition as when the same was entered upon by it, and thereafter the said Company shall be and remain responsible for any damage caused to said street by leaks from said water pipe line, as well as such damages as may be sustained by the inhabitants of said town, or any other person or persons by reason of such leaks or other defects in said line, and upon demand the said Company shall promptly repair or replace any defective part which may be found in said water pipe line.

3. The said, The National Sugar Manufacturing Company, may enter upon said street at all reasonable times for the purpose of altering, repairing, replacing and performing any other



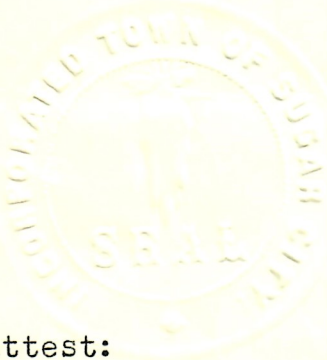
necessary work in, upon or about said water pipe line, and shall thereupon, at its own expense, keep and maintain said street, in which the said water pipe line is to be constructed, in a proper and suitable state of repair, and shall indemnify and hold harmless at all times the said Town of Sugar City, for and on account of any damages which the inhabitants of said Town, or any other person, or persons, may sustain by reason of any act or omission of the said Company on account of such work.

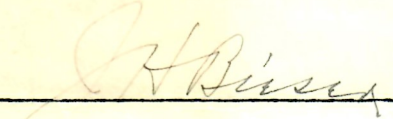
4. The said, The National Sugar Manufacturing Company, shall not be required to remove its old pipe line, which is to be abandoned upon the completion of the new pipe line, as hereinabove described, except at its option; that portion of the old pipe line to be abandoned by said Company being located within the corporate limits of the said Town of Sugar City, beginning at the point where said pipe line enters Colorado Street on the North, and running thence South on said Colorado Street to Denver Avenue; thence two blocks East on said Denver Avenue, and thence South on Iowa Street to the corporate limits of said Town; PROVIDED, HOWEVER, that the said, The National Sugar Manufacturing Company, shall be and remain liable for any damage which may hereafter be caused by reason of permitting said abandoned pipe line to remain in said streets, and said Company shall indemnify and hold harmless, at all times, the said Town of Sugar City, for and on account of any damages which the inhabitants of said Town, or any other person or persons may sustain by reason of any act or omission of the said Company which may result therefrom, if it determines to permit said abandoned water pipe line to remain in said streets.



5. This franchise shall be and remain in full force and effect for a period of twenty (20) years from and after the publication hereof, and shall inure to the benefit of the said, The National Sugar Manufacturing Company, its successors and assigns; PROVIDED, HOWEVER, that this ordinance shall not be so construed as to deprive the said Company of any right, franchise and privilege heretofore granted and conveyed to it by the said Town of Sugar City under previous ordinances relating to said water pipe line, except as herein expressly modified or amended.

ADOPTED AND APPROVED this 1st day of December A.D. 1941.





Mayor.

Attest:



Town Clerk and Recorder.