

ELECTRIC ORDINANCE - OE 72-1

AN ORDINANCE GRANTING TO THE SOCORRO ELECTRIC COOPERATIVE, INC., A FRANCHISE TO CONSTRUCT, ACQUIRE, OPERATE AND MAINTAIN AN ELECTRIC SYSTEM IN THE CITY OF SOCORRO, NEW MEXICO.

The City of Socorro, a Municipal Corporation located within the County of Socorro, State of New Mexico, does hereby grant unto the Socorro Electric Cooperative, Inc., a corporation organized and existing under the laws of the State of New Mexico, with its principal place of business in the City of Socorro, County of Socorro, State of New Mexico, its successors and assigns, the right, privilege and authority to erect, construct, install and maintain an electric lighting, heating and power plant and distribution system, and to operate and maintain the same, all within the limits of said City of Socorro; and to erect, construct, lay, install and maintain poles, wires, conduits, tunnels, pipes, and other fixtures in and upon the City of Socorro for the purpose of furnishing electric light, heat and power to said City and inhabitants thereof, and for other purposes.

Section 1. That in consideration of the benefits to be derived by the inhabitants of said City of Socorro from the maintenance of an electric lighting, heating and power system in said City by the hereinabove named grantee in the manner hereinafter specified and according to the provisions hereof, there is hereby granted to the Socorro Electric Cooperative, Inc., a corporation, hereinafter called the grantee, and to its successors and assigns, the right, privilege and authority to erect, construct, install and maintain an electric lighting, heating and power plant or transformer station, or both, and to operate and maintain said electric system within the limits of said City of Socorro, as the same now exist or may be hereinafter extended, for a period of twenty-five (25) years from and after the date of the passage and publication of this ordinance, and for that purpose during said period to erect, construct, install, lay and maintain in, upon, over, across or under the several streets, alleys, bridges, public grounds

and places of said City, all conduits, tunnels, poles, wires, cables, lamps, pipes, fixtures, and appliances necessary, convenient or proper to carry on the business of manufacturing, furnishing and supplying electricity, heat and power to said City of Socorro and the inhabitants thereof, and for the use of persons without the corporate limits of said City, or for any other purpose, and to obtain such heat and power either from a plant or plants located in said City or over transmission and distribution lines from itself or other companies located outside of said City of Socorro.

Section 2. That for the purpose of erecting, constructing, installing, maintaining and operating said electric lighting, heating and power plant or plants and system or systems, said grantee may enter upon the streets, alleys, bridges, public grounds and places of said City and make such excavations, erect such poles and fixtures, and lay such pipes as may be necessary and convenient, provided that such work shall be done in such manner as to cause as little inconvenience as possible to the public and will not interfere with the sewers, water mains, side walks, pipes or hydrants on the streets in said City, and provided that any excavation made by said grantee as aforesaid shall remain open no longer than reasonable necessary, and that said grantee shall properly protect the same when open and shall so fill and repair the same as to leave the streets, alleys, bridges, public grounds or places in as far as possible a good condition as before such excavation was made. The grantee is hereby granted the right to trim any tree or shrub, either wholly within any streets, alleys or public places of said City, or the branches of which overhang the same, and which interfere with erection, construction, maintenance, or operation of the grantee's poles, pipes, wires or other fixtures.

Section 3. That all conduits, poles, pipes, wires and fixtures installed by virtue of this ordinance shall be erected in such places, and in such manner, as not to unnecessarily encroach upon the streets, alleys, bridges, or public grounds of said City, and so as not to obstruct or impair the use thereof for the ordinary purpose of travel thereon, and when

any poles or other equipment shall be placed contrary to the terms of this ordinance and the said grantee does not cause their removal within a reasonable time after written notice from said City Council so to do, the City Council of said City may cause the removal thereof and collect from said grantee the actual cost of such removal; but so long as the terms of this section are fully complied with by said grantee, its successors or assigns, it may place necessary poles, pipes, equipment and fixtures where best suited to the conduct, development and operation of said plants or systems.

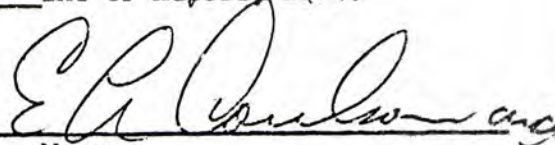
Section 4. That when any street, alley, bridge or public place, upon which or in which any poles of said grantee have been placed, shall be graded, curbed, paved or otherwise changed so as to make the resetting, or reconstruction of such poles necessary, said grantee, its successors or assigns, shall make such necessary change in construction at its own expense. Should it become necessary or should the grantee desire to use conduits, pipes or other similar fixtures, grantee shall make application to the City for the establishment of permanent grades and such conduits or other similar fixtures shall not be installed until such permanent grades have been established. The City agrees to promptly establish such permanent grades upon such application.

Section 5. That in case any person desires to move a building along streets or alleys crossed by the wires of said grantee, and it becomes necessary to have said wires temporarily raised or removed for the purpose of the passage of such buildings, the grantee shall be entitled to forty-eight (48) hours notice in writing to that effect: and when such notice has been received by said grantee and upon the payment by the person desiring the same of the reasonable cost damage resulting from the removal or change of such wires by said grantee, it shall be the duty of said grantee to remove or raise such wires as to permit passage of such building, but said grantee shall not be required to make such change or removal except at a reasonable time of day.

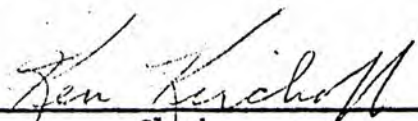
Section 6. For and in consideration of the right, privilege and franchise herein granted, the grantee, its successors and assigns, shall pay monthly during the term of this franchise, a street rental or charge in the nature of street rental, a sum not to exceed two per cent (2%) per month, of the grantee's gross receipts derived from sales of electricity to domestic and commercial customers for use and consumption per month within the present and future corporate limits of the City of Socorro, New Mexico; provided, however, that the term "sales of electricity to domestic and commercial customers" does not include (1) electrical energy sold for industrial consumption, for example, for use in manufacturing, processing, mining, refining, building construction, irrigation, etc., (2) that sold to education institutions not operated for profit, and (3) all receipts from the City of Socorro for electric lighting, heating, and other electric power requirements. Payment of said sum for each month's gross receipts shall be made of or before the 15th day of each month for the period of the preceding month during the term of this franchise. This franchise, upon acceptance by grantee, shall be and become contract.

PASSED, APPROVED AND ADOPTED THIS ^{7th} ~~7th~~ ^{5th} DAY OF ^{Sept} ~~AUGUST~~ 1972.

(SEAL)


Mayor

Attest:


Clerk

ACCEPTANCE OF FRANCHISE

TO: THE CITY OF SOCORRO
SOCORRO, NEW MEXICO

You are hereby advised that the Socorro Electric Cooperative, Inc., Socorro, New Mexico, hereby accepts all the terms and conditions of the grant or franchise set forth in Electric Ordinance No. E.O. 1-72, which was passed and adopted by the governing body of the City of Socorro, Socorro County, New Mexico, pertaining to the distribution of electrical energy in the City of Socorro, Socorro County, New Mexico.

SOCORRO ELECTRIC COOPERATIVE, INC.

BY: Toby Garcia
President-Board of Trustees

ATTEST:

[Signature]
Secretary-Board of Trustees

STATE OF NEW MEXICO)
 : ss
COUNTY OF SOCORRO)

On this 28th day of August,
before me appeared Toby Garcia, to me personally known, who being by me duly sworn did say that he is the President of the Socorro Electric Cooperative, Inc., Board of Trustees, and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of trustees, and that said Toby Garcia acknowledged said instrument to be the free act and deed of said corporation.

Given under my hand this 28th day of August, 1972.

Received and Accepted
this 25 day of August, 1972.

[Signature]
NOTARY PUBLIC
My Commission Expires August 20, 1976.

[Signature]
CITY CLERK