

PROOF OF PUBLICATION

THE SUMMIT COUNTY JOURNAL

State of Colorado)
)ss.
County of Summit)

I, Loime L. Dalbatt do solemnly swear that I am the publisher of the SUMMIT COUNTY JOURNAL; that the same is a weekly newspaper printed, in whole or in part, and published in the County of Summit, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Summit for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper

for the period of one consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated September 4 A. D., 1942 and that the last publication of said notice was in the issue of said newspaper dated

September 4 A. D., 1942.

In witness whereof I have hereunto set my hand this 4th day of September A. D., 1942.

Loime L. Dalbatt
Publisher.

Subscribed and sworn to before me, a notary public in and for the County of Summit, State of Colorado, this 4th day of Sept A. D., 1942.

Carl P. Kamin
Notary Public.

My commission expires July 17, 1946

ORDINANCE NO. 66A

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF BRECKENRIDGE, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, ACQUIRE, MAINTAIN AND OPERATE A PLANT OR PLANTS, AND WORKS, FOR THE GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, AND TO FURNISH, SELL AND DISTRIBUTE SAID PRODUCT TO THE SAID TOWN OF BRECKENRIDGE, COLORADO, AND THE INHABITANTS THEREOF FOR LIGHT, HEAT AND POWER, OR OTHER PURPOSES, BY MEANS OF CONDUITS, CABLES, POLES AND WIRES STRUNG THEREON, OR OTHERWISE, OVER, UNDER, ALONG, ACROSS AND THROUGH ALL STREETS, ALLEYS AND PUBLIC WAYS AND PLACES IN THE TOWN OF BRECKENRIDGE, COLORADO, AND FIXING THE TERMS AND CONDITIONS THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BRECKENRIDGE, COLORADO:

SECTION I. The franchise and right is hereby granted by the Town of Breckenridge, Colorado (hereinafter called Town), to Public Service Company of Colorado, (hereinafter called Company), its successors and assigns, to locate, build, construct, acquire, extend, maintain and operate into, within and through said Town a plant or plants, and works for the manufac-

ture, generation, transmission and distribution of electricity for illuminating, heating and power, or other purposes, with the right and privilege, for the period and upon the terms and conditions hereinafter specified, to furnish, sell and distribute electricity to the Town and the inhabitants thereof by means of substations, conduits, cables and lines of poles with wires strung thereon, or otherwise, on, over, under, along, across and through any and all streets, alleys and public ways and places in said Town; and on, over, under, along, across and through any extension, connection with, or continuation of the same, and/or on, over, under, along, across and through any and all such new streets, alleys and public ways and places as may be hereafter laid out, opened, located or constructed within the territory now or hereafter included in the boundaries of said Town.

SECTION II. All transmission and distribution structures and equipment erected by the Company within said Town shall be located so as to cause minimum interference with proper use of streets, alleys and other public ways and places.

SECTION III. The Company shall so maintain its structures, apparatus and equipment as to afford all reasonable protection against injury or damage to persons or property therefrom; and the Town shall be saved harmless from any damage arising out of the exercise by the Company of the rights and privileges hereby granted.

SECTION IV. In consideration of and as compensation for the granting of this franchise, the Company will supply and distribute electricity for lighting, heating, power and other lawful purposes to the Town and its inhabitants at fair and reasonable rates, which rates shall be subject to regulation as provided by law.

SECTION V. The franchise herein granted shall take effect and be in force from and after the final passage and publication hereof, as required by law, upon filing of acceptance by the Company, as provided in Section VI hereof, and shall continue in force and effect for a term of twenty-five years from and after such passage.

SECTION VI. Within ten (10) days after the final passage and publication of this ordinance, the Company shall file in the office of the Clerk of the Town of Breckenridge, Colorado, an acceptance in writing of the terms and conditions hereof.

SECTION VII. The Company shall keep on file in its office, available to the public, copies of reasonable rules and regulations from time to time adopted by it, for the conduct of its business, and copies thereof shall also be filed with the Town Clerk.

SECTION VIII. As a further consideration for this franchise, including all occupancy rights, and in lieu of all occupancy and license taxes, or other levies that might be imposed, the Company shall, annually, pay to the Town a sum equal to one per cent (1%) of its gross earnings derived from its operations within the corporate limits of the Town, excluding the amount received from the Town itself for electricity furnished for street lighting, or other purposes. Such payments shall be made on or before the first day of March of each year for the calendar year next previous, including the portions of the years at the beginning and expiration of this franchise.

SECTION IX. The Town may in form and manner as provided by law, upon payment therefor, at its cash value, purchase and take over the property and plant of the Company situated in and devoted exclusively to the service of the Town.

SECTION X. The Company shall not, as to rates, charges, service facilities, rules, regulations or in any other respect, make or grant any preference or advantage to any corporation or person, or subject any corporation or person to any prejudice or disadvantage, provided that nothing in this grant shall be taken to prohibit the establishment from time to time of a graduated scale of charges and classified rate schedules to which any customer coming within classification would be entitled.

SECTION XI. The right is hereby reserved to the Town to adopt from time to time, in addition to the provisions herein contained, such ordinances as may be deemed necessary in the exercise of its police power, provided that such regulations shall be reasonable and not destructive of the rights herein granted, and not in conflict with the laws of the State of Colorado.

SECTION XII. Wherever "Company" is used in this franchise, it is intended to include not only Public Service Company of Colorado, but also its successors and assigns.

PASSED, ADOPTED AND APPROVED THIS 1ST DAY OF SEPTEMBER A. D. 1942.

GEORGE ROBINSON, Mayor.

ATTEST:
Alice Milne,
Town Clerk and Recorder.
(SEAL)

STATE OF COLORADO)
COUNTY OF SUMMIT)ss.
TOWN OF BRECKENRIDGE)

I, Alice Milne, Town Clerk and Recorder of the Town of Breckenridge, do hereby certify that the above Ordinance No. 66A of the Town of Breckenridge, granting to

Public Service Company of Colorado a franchise as therein stated, was regularly and duly introduced and read at a regular meeting of the Board of Trustees of the Town of Breckenridge, held on the 4th day of August, 1942; that thereafter and on, to-wit, August 14, 1942, August 21, 1942 and August 28, 1942, said ordinance was duly published in the issues of the SUMMIT COUNTY JOURNAL, a weekly newspaper printed and published within the corporate limits of the Town of Breckenridge for the period of not less than two (2) weeks prior to September 1st, 1942, when it was again regularly and duly read, and after so being read was by a majority vote of all the Trustees of the Town of Breckenridge, elected thereto, by aye and nay vote regularly passed and adopted as Ordinance No. 66A of the Town of Breckenridge, Colorado.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Breckenridge this 1st day of September, 1942.

ALICE MILNE,
Town Clerk and Recorder.

(SEAL)
One Publication, September 4, 1942.