

ORDINANCE NO. 85

AN ORDINANCE GRANTING TO NORTHWESTERN BELL TELEPHONE COMPANY, ITS SUCCESSORS AND ASSIGNS THE RIGHT AND FRANCHISE TO ACQUIRE, CONSTRUCT, ERECT, MAINTAIN AND OPERATE IN THE CITY OF UNIVERSITY HEIGHTS, IOWA, A GENERAL TELEPHONE SYSTEM FOR A PERIOD OF TWENTY-FIVE YEARS WITHIN SAID CITY.

BE IT ENACTED by the City Council of the City of University Heights:

Section 1. There is hereby granted to Northwestern Bell Telephone Company, an Iowa corporation authorized to do business in the State of Iowa, hereinafter called the "Company", and its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate in the City of University Heights, a general telephone system including the right to erect and maintain the necessary poles, lines, wires, transmission lines, conduits and other appliances along, under and upon the streets, avenues, alleys and public places to serve customers within and without said City of University Heights, for a period of Twenty-five (25) years from and after the effective date of this ordinance, and to furnish telephone service to said City and its inhabitants.

Section 2. The rights and privileges hereby granted are subject to the restrictions and limitations of applicable chapters or sections of the Code of Iowa, 1981, the Municipal Code, City of University Heights, and City of University Heights Ordinances, all as amended, and this franchise shall not be exclusive.

Section 3. The Company shall have the right to erect all necessary posts and poles, to place conduit for the placing of underground cable, for the purpose Heights, Iowa, and those people who are presently served from wires and cables that are placed within the City of University Heights, but who do not live within the City limits of University Heights.

Section 4. All construction work performed by the Company, or its contractors, will be done in a manner in which no interference shall be made with water pipes, sewer pipes, drains or other City services already in place. Further, all construction work associated with placing of posts, poles, and conduit shall be done in accordance with standard Northwestern Bell practices and procedures, which comply

with the National Electrical Safety Code and the regulations of the Iowa State Commerce Commission relative to construction and clearance requirements.

Section 5. The Company is authorized and empowered to cut and trim in a careful manner, at its expense, any trees or tree limbs extending into any street, alley or public ground so as to prevent limbs or branches from interfering with the wires and cables of the Company.

Section 6. The location for the placement of any new above-ground equipment or apparatus (excluding lines or existing poles) and the location of the placement of any new underground cables, lines, conduit or apparatus must be approved by the City Engineer before any such construction commences.

Section 7. The Company shall place on file with the City Engineer a map showing the location of all underground lines, cables, conduit and related apparatus, which map shall be kept current by the company to properly reflect any changes from time to time as the same are made.

Section 8. In making excavations in any streets, avenues, alleys and public places for the erection of poles, wires, conduit or buried cables, the Company shall not unnecessarily obstruct the use of the streets, and shall replace the surface, restoring to the original condition as nearly as practicable.

Section 9. The Company, its successors and assigns, shall hold said City free and harmless from all damages arising on account of any negligence of said Company, its successors and assigns, in the erection, operation and maintenance of said system.

Section 10. The said Company, its successors and assigns, so long as it shall operate under the terms of this franchise, shall furnish telephone service to meet the demands of said City and its inhabitants. The service shall be continuous twenty-four hour service, seven days a week, unless the Company is prevented from doing so by storm, fire, acts of God, or unavoidable calamity. In such event, service will be restored as quickly as reasonable and humanly possible.

Section 11. This ordinance and the rights and privileges herein granted shall not become effective or binding until this ordinance shall have been submitted to and approved by a majority of the electors of said City of University Heights voting at the next general or municipal election or at a special election called for that purpose. The cost and

expense of the election relating to the franchise provided for herein shall be paid by the Company.

Section 12. The Company, its successors and assigns, within Thirty (30) days after the approval of this ordinance by a vote of the people, shall file in the office of the Clerk of the City of University Heights its acceptance in writing of all terms and provisions of this ordinance.

Section 13. This ordinance shall become effective upon passage by the City Council, the approval of the voters as provided in Section 8, hereof, and the acceptance by the Company as provided in Section 9. hereof.

PASSED AND APPROVED this 12th day of April, 1983.

Amended by Ordinance No. 86 July 12, 1983.