

ORDINANCE NO. 384

AN ORDINANCE GRANTING TO MONTANA-DAKOTA UTILITIES CO. A CORPORATION, IT'S SUCCESSORS AND ASSIGNS, THE FRANCHISE AND RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE, WITHIN AND UPON, IN AND UNDER THE STREETS, ALLEYS AND PUBLIC GROUNDS OF THE

City of Beach, Golden Valley County,
North Dakota

**A GAS DISTRIBUTION SYSTEM FOR TRANSMITTING AND
DISTRIBUTING NATURALOR MANUFACTURED GAS, OR A
MIXTURE OF BOTH, AND AN ELECTRIC DISTRIBUTION
SYSTEM FOR TRANSMITTING AND DISTRIBUTING ELECTRIC
ENERGY FOR PUBLIC AND PRIVATE USE.**

BE IT ORDAINED BY

The City Council, City of Beach, Golden Valley County, North Dakota

SECTION I. For convenience, herein, said municipal corporation is designated and referred to as "Municipality" and Montana-Dakota Utilities Co. is designated and referred to as "Grantee". Any reference to either includes their respective successors and assigns.

SECTION II. There is hereby granted to Montana-Dakota Utilities Co. a corporation, Grantee, its successors and assigns, subject to the limitations herein stated, the right and franchise to occupy and use the streets, alleys and public grounds of the Municipality as now, or hereafter constituted, for the purpose of constructing, maintaining, and operating, within, upon, in and under the same, a gas distribution system for transmitting and distributing natural or manufactured gas, or a mixture of both, and an electric distribution system for transmitting and distributing electric energy for public and private use.

SECTION III. Grantee shall maintain an efficient distribution system for furnishing natural or manufactured gas, or a mixture of both, and an electric distribution system for transmitting and distributing electric energy for public and private use at such reasonable rates as may be approved by the Public Service Commission of the state wherein said Municipality is located and under such orders, rules or regulations as may be issued by any federal or state agency having jurisdiction thereof.

SECTION IV. This franchise shall not be exclusive and shall not be construed to prevent the Municipality from granting to any other party the right to use the streets, alleys, and public grounds of entire Municipality for like purposes.

SECTION V. The Municipality reserves any right it may have, under its police power, or otherwise, to control or regulate the use of said streets, alleys, and public grounds by Grantee.

SECTION VI. Grantee shall indemnify and save and hold the Municipality harmless from any loss or damage due to the construction, installation, and maintenance of its distribution system, and its use of the streets, alleys, and public grounds of the Municipality.

SECTION VII. Grantee shall have the right to assign this franchise to any party, or corporation, but all obligations of Grantee hereunder shall be binding upon its successors and assigns.

SECTION VIII. Within thirty (30) days after Grantee is notified of passage and final approval of this Ordinance, Grantee shall file with the clerk or auditor of the Municipality its written acceptance of this franchise.

SECTION IX. This franchise shall continue and remain in full force and effect for a period of twenty (20) years from the date upon which this ordinance shall become effective as provided by law.

First Reading: 18th day of March, 2019

Second Reading: 1st day of April, 2019

Approved this _____ of _____, 2019

ATTEST: _____

Auditor

Mayor

Seal of the Municipality)

ACCEPTANCE OF FRANCHISE

MONTANA-DAKOTA UTILITIES CO. a corporation, hereby accepts the terms and conditions of that certain Ordinance No. 384- enacted by the governing body of the City of Beach, Golden Valley County, North Dakota, the same being an ordinance granting to said Company, its successors and assigns, a franchise to construct, maintain and operate, within and upon, in and under the streets, alleys, and public grounds of the City, a gas distribution system for transmitting and distributing natural or manufactured gas, or a mixture of both, and an electric distribution system for transmitting and distributing electric energy for public and private use, which ordinance was duly and finally passed, adopted and approved by the governing body of said City on the _____ day of _____, 2019.

Dated this _____ day of _____, 2019.

MONTANA-DAKOTA UTILITIES CO.

(Corporate Seal)

Secretary

I, the undersigned, the duly elected, qualified and acting Auditor of the City of Beach, State of North Dakota, do hereby certify that I received the within Acceptance of Franchise on this _____ day of _____, 2019, and on said date duly filed the same in my office.

Auditor

(SEAL OF MUNICIPALITY)

RECORD OF FRANCHISE PROCEEDINGS
CERTIFIED TO BY CITY AUDITOR

STATE OF NORTH DAKOTA)
) SS
COUNTY OF _____)

I, the undersigned, City Auditor of the City of _____, _____
County, North Dakota.

DO HEREBY CERTIFY, that I compared the attached copies of proceedings and documents pertaining to the electric and natural gas franchise granted to Montana-Dakota Utilities Co. by said municipality as evidenced by Ordinance No. _____ passed by the governing body of said municipality on the _____ day of _____, 20____, with the originals of which said documents purport to be true and complete transcripts, and that each of the attached copies is a true and exact copy of such original instruments, viz:

1. Application of Montana-Dakota Utilities Co. for a combination of electric and gas franchise.
2. Notice of special meeting and waiver.
3. Extract of minutes for first reading.
4. Extract of minutes for second reading and final passage.
5. Combination Franchise Ordinance No. _____
6. Acceptance of franchise, including Auditor's certification of filing the same.

I HEREBY FURTHER CERTIFY that all of the originals of the above-mentioned documents are on file in my office and that insofar as I have knowledge or am informed all of the legal requirements of the by-laws of the governing body of said City of _____ and the statutes of the State of North Dakota governing the enactment of such ordinance granting such a franchise have been fully and properly complied with.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said City of _____, this _____ day of _____, 20 ____.

City Auditor
City of _____

County,
North Dakota

(Seal of Municipality)