

ORDINANCE NO. 210

ORDINANCE (GRANTING A FRANCHISE TO GTE NORTHWEST INCORPORATED), A WASHINGTON CORPORATION, TO CONDUCT A GENERAL TELECOMMUNICATION BUSINESS WITHIN THE CITY OF LAKESIDE, OREGON, AND GRANTING THE RIGHT TO PLACE, ERECT AND MAINTAIN POLES, WIRES AND OTHER APPLIANCES AND CONDUCTORS AND TO LAY UNDERGROUND WIRES FOR THE TRANSMISSION OF ELECTRICITY FOR TELECOMMUNICATION PURPOSES IN, UPON, UNDER AND OVER THE STREETS, ALLEYS, AVENUES, THOROUGHFARES AND PUBLIC HIGHWAYS OF THE CITY OF LAKESIDE, OREGON.

THE CITY OF LAKESIDE ORDAINS AS FOLLOWS:

Section 1: There is hereby granted by the City of Lakeside to GTE Northwest Incorporated, a Washington corporation, its successors and assigns, the right and privilege to conduct a general telecommunications business within the City of Lakeside and to place, erect, lay, maintain and operate in, upon, under and over the streets, alleys, avenues, thoroughfares and public highways within the said City poles, wires and other appliances and conductors for the transmission of electricity for telecommunication purposes. Such wires and other appliances and conductors may be strung upon poles and other fixtures above ground or, at the option of the Grantee, may be laid underground in pipes and conduits or otherwise protected.

Section 2: It shall be lawful for Grantee to make all needful and necessary excavations in any of said streets, alleys, avenues, thoroughfares and public highways. Said work shall be done in compliance with the rules, regulations, ordinances and orders which have been heretofore or which may hereafter during the continuance of this franchise be required by the City.

Section 3: Whenever Grantee shall disturb any of the streets, alleys, avenues, thoroughfares and public highways for the purposes aforesaid, it shall restore the same to good order and condition as soon as practicable without unnecessary delay, and failing to do so, City shall have the right to fix a reasonable time within which such repairs and restorations shall be completed and upon failure of such repairs and restoration being made by Grantee, City shall cause such repairs to be made

at the expense of Grantee.

Section 4: Nothing in this ordinance shall be construed in any way to prevent the proper authorities of the City from sewerage, grading, paving, repairing, altering or improving any of the streets, alleys, avenues, thoroughfares and public highways in or upon which the poles, wires, conductors, pipes or other apparatus may be placed, but all such work or improvements shall be done if possible so as not to obstruct or prevent the free use of said poles, wires, conductors, conduits, pipes or other apparatus.

Section 5: Whenever it becomes necessary to temporarily rearrange, remove, lower or raise its wires, cables or other plant of Grantee for the passage of buildings, machinery or other objects, Grantee shall temporarily rearrange, remove, lower or raise its wires, cables or other plant as the necessities of the case require; provided, however, that the person or persons desiring to move any such buildings, machinery or other objects shall pay the entire actual cost to Grantee of changing, altering, moving, removing or replacing its wires, cables or other plant so as to permit such passage, and shall deposit in advance with Grantee a sum equal to such cost as estimated by Grantee and shall pay all damages and claims of any kind whatsoever, direct or consequential, caused directly or indirectly by the changing, altering, moving, removing or replacing of said wires, cable or other plant, except as may be occasioned through the sole negligence of Grantee. Grantee shall be given not less than ninety-six (96) hours written notice by the party desiring to move such building or other objects. Said notice shall detail the route of movement of such building or other objects over and along the streets, alleys, avenues, thoroughfares and public highways and shall bear the approval of the City. Such moving shall be with as much haste as possible and shall not be unnecessarily delayed or cause Grantee unnecessary expense or waste of time.

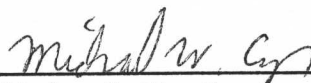
Section 6: Grantee shall pay to the City a privilege tax in the amount of three percent (3%) of the gross revenues as defined in ORS 401.710, less net uncollectables, for local exchange service rendered subscribers within the city limits, such revenue to be determined in accordance with the lawful rates and rate groupings applicable to the exchange, exclusive of extended area service. Such payments shall be made by Grantee on or before March 15 of each year for the calendar year preceding, and the first and last payments shall be for that fractional part of the calendar year during which this franchise is in effect. The City may change privilege tax rate by ordinance, but no more frequently than annually.

Section 7: The rights, privileges and franchise hereby granted shall continue and be in full force for a period of twenty (20) years from the date of passage of this ordinance. However, this ordinance shall be inoperative unless it is accepted in writing by the Grantee within sixty (60) days after the date of its passage.

Section 8: All ordinances and parts of ordinances of previous date, insofar as the same are in conflict herewith, are hereby repealed and annulled.

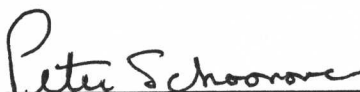
PRESENTED AND PASSED the first reading this 7th day of October, ^{1997.}~~1996~~X

PASSED the second reading this 7th day of October, ^{1997.}~~1996~~.



Michael W. Cyr, City Recorder

APPROVED by the Mayor this 7th day of October, 1996.



Peter Schoonover, Mayor