

42.00 FRANCHISE

KMP TELEPHONE COMPANY

42.01 **Grant.** That the right is hereby granted to KMP Telephone Co. of Kerkhoven, Minnesota, its successors and assigns, to place, erect, construct and maintain underground, upon, along and through the public streets, highways, alleys, bridges and public squares of the said City of Kerkhoven, all cabling, conduits, poles, posts or other supports and all wires and fixtures proper and necessary for supplying to the public proper telephone service or other approved appliances. Subject, however, to all the conditions and stipulations herein set forth.

42.02 **Conditions.** All underground networks, poles, supports and wires shall be placed in such manner that they do not obstruct, impair or interfere with the proper use of such streets, highways, alleys, bridges and public squares for other lawful purposes and the same to be done under the supervision of the City authorities. The poles and supports shall be reasonably straight and maintained in good repair and the wiring thereon shall be placed at such an elevation as the City Council may designate. After erecting the poles and wires or making repairs thereon, the telephone company shall restore the streets or alleys to as good a condition as the same were in prior to any labor by the telephone company.

42.03 **Pole Placement.** The telephone poles or underground cables shall not be set in such a manner as to interfere with the placement, construction or maintenance of any water pipe, gas pipe, drain or sewer that may be authorized by the City of Kerkhoven. In the event the present street grade or curb lines are subsequently changed, the said telephone company shall change and reset their poles to conform to such changes and such changes shall be chargeable to the telephone company.

42.04 **Damages.** The telephone company is to be responsible and liable for any damages caused or done by its agents or employees in constructing, repairing, extending or operating its telephone system.

42.05 **Effective Date.** This Ordinance shall be published according to law and shall take effect only upon filing in the office of the City Recorder of said City of Kerkhoven after the publication thereof, a written acceptance of the terms of the Ordinance by said telephone company.

Derivation: Originally Ordinance 13