

ORDINANCE No. 02-O-555

[Effective December 25, 2002]

Sections:

Section 1.	Repeal of Ordinance No. 82-O-368.
Section 2.	Grant of 20-year franchise to Coos-Curry Electric Cooperative, Inc.
Section 3.	Terms and conditions of franchise.
Section 4.	Cooperative to furnish street lights without charge.
Section 5.	Location of equipment.
Section 6.	Repairs to be responsibility of Cooperative.
Section 7.	City to be held harmless.
Section 8.	Cooperative to abide by ordinances and Oregon State Statutes.
Section 9.	City to retain all rights and remedies.
Section 10.	Franchise to be exclusive.
Section 11.	Acceptance of franchise.
Section 12.	Terms of renegotiation of franchise.

The City of Brookings ordains as follows:

Section 1. Repeal of Ordinance No. 82-O-368. Ordinance No. 82-O-368 of the City of Brookings (hereinafter referred to as "City") is hereby repealed; said repeal effective on the date of this ordinance's passage. The respective claims of the City of Brookings and Coos-Curry Electric Cooperative, Inc. (hereinafter referred to as "Cooperative"), under said Ordinance No. 82-O-368 shall be settled between said parties as of the date that the Cooperative shall have accepted the franchise herein provided in this ordinance, said acceptance being in written form provided the City by a duly authorized resolution of the Cooperative's governing board.

Section 2. Grant of 20-year franchise to Coos-Curry Electric Cooperative, Inc. There is hereby granted unto the Cooperative, a cooperative corporation organized under the laws of the state of Oregon, upon the terms and conditions hereinafter set forth, the right, privilege and franchise of installing, owning, operating, and maintaining an electric power service transmission and distribution system by means of poles, conduits, wires, cables, and other equipment or appliances in, upon, over, under and along the streets, alleys or other public places within the corporate limits of the City of Brookings for a period of 20 years from the date of the enactment of this ordinance.

Section 3. Terms and conditions of franchise. During the period of this franchise the City shall not levy upon or exact from the Cooperative any license fee, franchise or privilege tax, or other charges, the consideration stated hereinbelow being in lieu of all such taxes, license fees or charges.

Section 4. Cooperative to furnish street lights without charge. In consideration of the granting of said franchise, the Cooperative shall furnish the City, without charge, 266 street lights with wattage not to exceed 200 watts, including installation, maintenance, replacement of bulbs, and electric energy for operation of same. It is understood that more than this number of street lights may now be in operation within the City; and the remaining lights and all additional lights

Section 10. Franchise to be exclusive. No franchise shall be granted unto any other person, firm or corporation to engage in a similar business within the City of Brookings during the
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term of this franchise, except upon payment of comparable consideration to the City of Brookings in money or services, unless otherwise permitted under the provisions hereof or mandated by any state or federal law, rule or regulation.

Section 11. Acceptance of franchise. The grant of franchise herein made shall be void and of no effect unless the Cooperative shall of itself accept and agree in writing to the terms and conditions of this ordinance, which acceptance shall be filed with the city recorder prior to 45 days after the passage of this ordinance.

Section 12. Terms of renegotiation of franchise. Either the City or the Cooperative, as the case may be, may submit a written request to the other for the purposes of renegotiating any or all portions of the franchise hereinunder granted.

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