

CHAPTER 112

TELEPHONE FRANCHISE

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112.01 FRANCHISE GRANTED. There is hereby granted unto Contel of Iowa, Inc., an Iowa corporation having its principal place of business in the City of Knoxville, Iowa, its successors and assigns (the “Company”), the right, privilege and franchise to locate, erect, construct, relocate, replace, extend, enlarge, repair, operate and maintain a general telephone system and exchange in the City, and to enter upon, use and occupy the streets, roads, avenues, highways, alleys, boulevards, public grounds and other public places in the City, in the supplying and furnishing to persons and firms and corporations residing in the City and to persons and firms and corporations beyond and outside of the City, communication by telephone, with the right, privilege and franchise to locate, erect, construct, relocate, replace, extend, enlarge, repair, operate and maintain all necessary and convenient poles, conduits, manholes, apparatus, service pipes, fixtures, wires, cables, cross-arms, appliances, connections and appurtenances, and to make house and building connections upon, on, along, in, under, across, through and over said streets, roads, avenues, highways, alleys, boulevards, public grounds and other public places in the City, as are requisite for the complete equipment and furnishing and supplying of communication by telephone and in receiving and transmitting intelligence by electricity for all purposes, in any manner and by any method or device.

112.02 TERM OF FRANCHISE. The right, privilege and franchise herein and hereby granted shall extend for a period of twenty-five (25) years from and after the date that the ordinance codified in this chapter became effective.

112.03 POLICE POWER. The rights, privileges and franchise herein and hereby granted are subject to the exercise of the police power as the same now is or may hereafter be conferred upon by the City.

112.04 INDEMNIFICATION. The Company shall at all times protect and save harmless the City from all damages or loss from or arising out of or by reason of the construction or maintenance or operation of said telephone system and exchange, except as may be the result of negligence on the part of the employees of the City.

112.05 RESTORATION OF PROPERTY. The Company, in constructing, maintaining and operating its telephone system and exchange, and in its use of the streets, roads, avenues, highways, alleys, boulevards and other public places in the City, shall perform its necessary and convenient work with due care and with reasonable dispatch; and shall not unnecessarily obstruct travel; and shall protect the place while its work is in progress by guards, barriers and signals; and shall backfill all openings made by it in such a manner as to prevent settling or depressions in the surface, and shall replace the surface, pavement and sidewalk of any excavations made by the Company with the same or like material, so as to restore same, as nearly as is practical, to its condition prior to such excavation; and shall not unnecessarily interfere with any water mains, gas mains, sewers, or drains which are now or may hereafter be laid, except as the prior consent of the Council is first obtained, and shall repair any defects caused by the Company.

EDITOR'S NOTE

Ordinance No. 90611 adopting a telephone franchise for the City was passed and adopted on June 11, 1990. Voters approved the franchise at an election held on July 17, 1990. The Company accepted the franchise on July 23, 1990.