

ORDINANCE 365

Be it ordained by City Council of the city of Rolla,  
North Dakota:

Section 1. That U S WEST Communications, Inc., its successors and assigns, are hereby granted the right to use and occupy the streets, alleys and other public places of the city of Rolla, North Dakota, for a term of twenty (20) years from the effective date hereof, for the purpose of constructing, maintaining and operating a general telephone and telegraph system within said city.

Section 2. That the rights herein granted are subject to the exercise of the police power as the same now is or may hereafter be conferred upon said city.

Section 3. That this ordinance shall be in full force and effect, and shall constitute a binding contract between the city of Rolla and U S WEST Communications, Inc. when it shall have been enacted according to law, and when the provisions hereof shall have been accepted in writing by said U S WEST Communications, Inc. and such acceptance filed with the City Auditor.

Section 4. During the construction, maintenance or enlargement of any part of said telecommunications system, said Grantee shall not unnecessarily impede or block travel in said streets and highways in said City and shall leave all streets, highways, alleys, sidewalks, curbs, lanes and public places and all grounds disturbed by said construction in good condition upon the completion of said work.

The City reserves the right to make and adopt, and the rights and privileges hereby granted shall at all times be and remain subject to such reasonable regulations of a police nature as it may deem necessary for the best interests of the City, but the City will not by any such regulations or by acts of its own or agents do anything to prevent or interfere with the Grantee carrying on its business in accordance with the franchise hereby granted.

Section 5. In case of disturbance of any street, sidewalk, alley, public way, or paved area, the Grantee shall, at its own cost and expense and in manner approved by the City Public Works Superintendent or Engineer, replace and restore such street, sidewalk, alley, public way, or paved areas in as good a condition as before the work involving such disturbance was done. Grantee shall not be required to pay a fee for street openings.

ORDINANCE (Con't)

I, Mary Nordmark, City Auditor of the city  
of Rolla, North Dakota, do hereby certify that the forgoing is a  
true and correct copy of an ordinance now of record in my office; that said  
ordinance after being read on the 22 day of December, 1993,  
and the 3 day of January, 1994, respectively, was placed  
upon its final passage at a meeting of the Board of Trustees of said city  
held on the 3 day of January, 1994, whereupon, roll being  
called, and there being 6 years, and 0 nays, it was declared  
passed by a majority of all members of the Board of Trustees and approved by  
the President of said Board on the 3 day of January, 1994.

WITNESS my hand and the official seal of the city  
of Rolla, North Dakota, this 3 day of January,  
1994.

APPROVED:

Dennis Neumeier  
Chairman of the City Council

ATTEST:

Mary Nordmark  
City Auditor  
(MY Commission Expires MARY NORDMARK  
Notary Public, STATE OF NORTH DAKOTA  
My Commission Expires FEB. 21, 1998)

ACCEPTANCE

Please take notice that U S WEST Communications, Inc. hereby accepts all the terms and provisions of an Ordinance of the city of Rolla, North Dakota, entitled:

"AN ORDINANCE GRANTING TO U S WEST COMMUNICATIONS, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO USE AND OCCUPY THE STREETS, ALLEYS, AND OTHER PUBLIC PLACES OF ROLLA, NORTH DAKOTA, FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING AND OPERATING A GENERAL TELEPHONE AND TELEGRAPH SYSTEM WITHIN SAID CITY."

Dated this 17 day of Jan, 1994.

U S WEST Communications, Inc.

By *[Signature]*

ATTEST:

*[Signature]*

Secretary

(My Commission Expires 11-19-98)