

ORDINANCE NO. 53

AN ORDINANCE GRANTING A FRANCHISE TO MATANUSKA TELEPHONE ASSOCIATION INC., ITS SUCCESSORS AND ASSIGNS, TO ERECT, CONSTRUCT, OPERATE AND MAINTAIN A TELEPHONE SYSTEM IN THE CITY OF PALMER, ALASKA, AND TO FURNISH TELEPHONE SERVICE TO THE CITY AND THE INHABITANTS THEREOF, AND TO USE THE STREETS, ROADS, ALLEYS, AND OTHER PUBLIC PLACES WITHIN SAID CITY FOR SUCH PURPOSES.

Whereas, Matanuska Telephone Association, Inc., a cooperative corporation organized and existing under the laws of the Territory of Alaska, hereinafter termed the "Association", desires to construct, operate and maintain a telephone system in the City of Palmer, Alaska, hereinafter termed the "City"; and from time to time to make additions, alterations and improvements therein; and

Whereas, it would be to the mutual benefit of the City and the Association for the City Council to grant a franchise exclusively to the Association to erect, construct, operate and maintain a telephone system on terms that will assure the full control and use of the streets or alleys to the public, and the safety of the persons and property of the public so far as the maintenance of the system is concerned.

Now Therefore:

Be it ordained by the City Council of the City of Palmer,

That Matanuska Telephone Association, Inc., its successors and assigns, is hereby granted a franchise:

- (a) to erect, construct, acquire, operate and maintain a telephone system, consisting without limitation, of exchanges, toll and trunk lines, conduits, cables, poles and with all fixtures and appurtenances necessary or advisable for the proper operation and maintenance of said system within the limits of the City in order to furnish telephone service for public and private use within the City and for the transmission of telephone service through and beyond the City;
- (b) To use the streets, roads, alleys and all other public places of the City and to make all necessary excavations therein for such purposes;
- (c) To cut and trim all trees and shrubbery insofar as may be necessary to keep them clear of the poles and wires of the telephone system.

This franchise is granted on the following terms:

First: The telephone system shall be constructed, operated and maintained in a proper workmanlike manner so as to afford all reasonable safeguards to the public.

Second: All poles and wires, forming part of said telephone system, shall be so erected, operated and maintained so as not to interfere with traffic on the travelled portions of the streets or alleys; and the Association, after the construction or reconstruction of said system or any part thereof, shall restore to their original condition the streets or alleys on which said poles and wires have been erected, operated and maintained insofar as this is practicable.

Third: The Association will comply with all reasonable rules and regulations of the City and with all ordinances now in effect or which may hereafter be passed insofar as they do not conflict with the terms or purposes of the franchise herein granted.

Fourth: The City shall reserve the right to cause the Association, its successors and assigns, to move the location of any pole, wire and conductor, whenever the public interest requires their location elsewhere, the expense of such removal and relocation to be paid by the City.

Fifth: This franchise shall be submitted for the approval of the electors of the City after thirty days notice thereof is given in conformance with the applicable laws. The result of the election shall be canvassed publicly by the Council and spread upon the records of the minutes thereof and the result thereof publicly declared and certified as required by law.

Sixth: This franchise shall be effective for a period of twenty years and shall be effective from and after its passage and approval according to law.

An emergency is hereby declared to exist, the usual rules of procedure are hereby suspended and this ordinance shall be read in full, and again by its title and placed upon its final passage by the approval of the City Council of the City of Palmer.

Passed and approved this 24th day of August, 1954.

Pursuant to the order of the City Council,
APPROVED:

/s/ Betty Mears
BETTY MEARS, Acting Mayor

ATTEST:

/s/ Lenore Amerman
Acting City Clerk

ORDINANCE NO. 54

AN ORDINANCE PROVIDING FOR THE SALE OF THE MUNICIPAL TELEPHONE SYSTEM AND FACILITIES TO THE MATANUSKA TELEPHONE ASSOCIATION, INC., FIXING AND PRESCRIBING THE TERMS OF SAID SALE AND THE CONSIDERATION TO BE ACCEPTED BY THE CITY OF PALMER THEREFORE, RATIFYING AND APPROVING THAT CERTAIN SALES AGREEMENT HERETOFORE ENTERED INTO BETWEEN THE CITY OF PALMER AND MATANUSKA TELEPHONE ASSOCIATION, INC. ON THE 1st DAY OF MARCH, 1954, AND AUTHORIZING THE EXECUTION OF A DEED AND BILL OF SALE FOR SAID TELEPHONE SYSTEM AND FACILITIES BY THE HONORABLE MAYOR OF THE CITY OF PALMER AT SUCH TIME IN THE FUTURE AS THE CLOSING DATE OF SAID SALE SHALL BE DETERMINED.

Whereas, the United States has heretofore approved a loan of money in the amount of \$567,000.00 to the Matanuska Telephone Association, Inc., a cooperative corporation duly organized and existing under the laws of the Territory of Alaska, for the construction and acquisition of a dial telephone system within the Matanuska Valley, and

Whereas, the plans and specifications for said telephone system include the acquisition by purchase of the Palmer municipla telephone system and facilities, said plans also providing for dial telephones service to the residents of the City of Palmer, and

Whereas, in the judgement of the City Council, it appears advantageous to the City of Palmer that said municipal telephone system be sold to the said Matanuska Telephone Association, Inc., and

Whereas, on the 1st day of March, 1954, the City of Palmer, through official action of the City Council therof, entered into a telephone sale agreement with the Matanuska Telephone Association, Inc., said agreement specifying therein the property to be sold and the terms and conditions of such sale and the consideration therof.

Now therefore, be it ordained by the City Council of the City of Palmer:

(1) That the municipal telephone system and facilities shall be sold to Matanuska Telephone Association, Inc. in accordance with the terms and conditions set forth in that certain instrument entitled "Telephone Sales Agreement" entered into on the 1st day of March, 1954, between the City of Palmer and the Matanuska Telephone Association, Inc., a copy of which is attached hereto and made a part hereof by reference as though fully incorporated herein.

(2) The total purchase price pursuant to said agreement of March 1, 1954, shall be a sum not less than \$30,000.00, but said total purchase price, to be determined at a later date, may exceed the said sum if the final adjustments therof should produce a higher figure.

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