

ORDINANCE 2003-40

AN ORDINANCE AMENDING TOOELE COUNTY CODE TITLE 10, CHAPTER 1, SECTION 4, ENACTING SUBSECTION 14, GRANTING A SEWER LINE FRANCHISE TO GRANTSVILLE CITY.

THE COUNTY LEGISLATIVE BODY OF THE COUNTY OF TOOELE ORDAINS

AS FOLLOWS:

SECTION I - PURPOSE. This ordinance is for the purpose of granting a sewer line franchise to Grantsville City, a municipal corporation of the State of Utah, to provide sewer services.

SECTION II - ENACTMENT. There is hereby granted to Grantsville City, a municipal corporation of the State of Utah, its successors and assigns, the non-exclusive right, privilege, or franchise to construct, maintain and operate sewer lines and related facilities along, upon and across the present and future Tooele County roads, highways and public places in Section 19, Township 2 South, Range 5 West and Section 24, Township 2 South, Range 6 West, Salt Lake Base Meridian and located directly north of the Grantsville City Corporate limits. The franchise granted by this Ordinance specifically relates to what has been identified as Cooley Street, Vegas Street and Burmester Road, all located directly north of the Grantsville City Corporate limits. The commission chairman is authorized to sign the franchise agreement, so certified.

SECTION III - AMENDMENT. Title 10 Chapter 1, Section 4 of the Tooele County Code is amended by adopting Subparagraph 14 as follows:

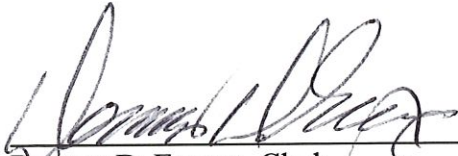
(14) A franchise to Grantsville City, a municipal corporation of the State of Utah, its successors and assigns, was granted for the purpose of constructing, maintaining and operating a sewer line and to construct, maintain and operate pipes, lines and related sewer line facilities along, upon and across the present and future Tooele County roads, highways and public places in Tooele County located directly north of the Grantsville City limits in Section 19, Township 2 South, Range 5 West, and Section 24, Township 2 South, Range 6 West, Salt Lake Base Meridian including Tooele County roads identified as Cooley Street, Vegas Street and Burmester Road. This franchise is granted by Ordinance 2003-40 and continues until December 2053.

SECTION IV - EFFECTIVE DATE. This ordinance shall become effective 15 days after its passage provided it has been published, or at such publication date if more than 15 days after passage.

IN WITNESS WHEREOF, the Tooele County Legislative Body passed, approved and enacted this ordinance this _____ day of December 2003.

ATTEST:

TOOELE COUNTY LEGISLATIVE BODY


DENNIS D. EWING, Clerk


DENNIS ROCKWELL, Chairman



Commissioner Rockwell voted aye
Commissioner White voted aye
Commissioner Lawrence voted aye

APPROVED AS TO FORM:


DOUGLAS J. AHLSTROM
Tooele County Attorney

FRANCHISE AGREEMENT

TOOELE COUNTY, a political subdivision of the State of Utah, hereby grants to GRANTSVILLE CITY, a municipal corporation of the State of Utah and its successors and assigns, the non-exclusive right, privilege and franchise for a period of fifty (50) years from the date hereof, to construct, maintain and operate a sewer pipeline and related facilities for the purpose of providing sewer services to its citizens and potentially to the property located north of Grantsville City, within Tooele County Utah. This franchise authorizes grantee to construct, maintain and operate sewer pipelines and facilities upon and across the present and future Tooele County roads, highways and public places located north of Grantsville City and in Tooele County, Utah together with all necessary and desirable appurtenances for the purpose of transmitting waste water and doing such other things as may be necessary or convenient within this County for the purposes of providing sewer services to Grantsville City's current and future members and possibly to users located along said line.

The location of the pipeline and facilities shall be determined under the supervision of the Board of County Commissioners of Tooele County, but so as not to unreasonably interfere with the proper operation of the grantees facilities. All pipelines and related facilities installed pursuant to this grant shall be done in accordance with established practices and all disturbed areas shall be returned to their original condition as reasonably possible. Grantee shall provide County with maps showing the location of their pipelines and related facilities within 30 days of their construction.

The County shall in no way be liable or responsible for any accident or damage that may occur in the construction, operation or maintenance by the grantee hereunder of its pipelines and appurtenances, and the acceptance of this franchise shall be deemed an agreement on the part of said

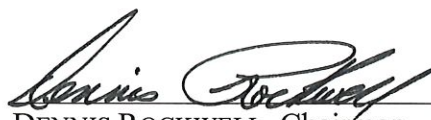
grantee, its successors and assigns, to indemnify said County and hold it harmless against any and all liability, cost or expense which may accrue to said County by reason of neglect, default or misconduct of the grantee hereunder.

It is further provided that should County deem it reasonably necessary or in the public interest to construct, realign, or reconstruct any highway, road, alley, or public place upon which there may exist or has been placed a pipeline, or related facility of the grantee, the grantee shall, at its own expense, remove, relocate, or realign such pipeline, or related facility as shall be reasonably required or necessary in order that the proposed construction or development can be completed by the County. It is further provided that the grantee shall be given at least sixty (60) days notice in writing by the County, specifying the pipelines, line or related facility of the grantee which are required to be relocated, removed or realigned.

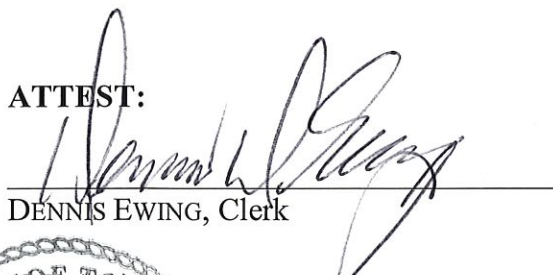
The grantee shall file its written acceptance of this franchise with the Clerk of the Board of Commissioners of Tooele County within sixty (60) days from enactment.

ENACTED AND PASSED by the Board of Commissioners of Tooele County, Utah, this 9th day of December 2003.

TOOELE COUNTY


DENNIS ROCKWELL, Chairman

ATTEST:


DENNIS EWING, Clerk



This franchise was accepted by a resolution duly passed by the of the Grantsville City Council, at a regular meeting on _____ day of _____ 2003.

PROOF OF PUBLICATION

STATE OF UTAH }
County of Tooele } ss.

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SECTION II - ENACT-
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City, a municipal corpo-
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Utah, its successors and
assigns, the non-ex-
clusive right, privilege,
or franchise to con-
struct, maintain and
operate sewer lines and
related facilities along,
upon and across the
present and future

I, Scott C. Dunn, being first duly sworn, depose and say that I am the Publisher of the Tooele Transcript-Bulletin, a twice-weekly newspaper of general circulation published each Tuesday and Thursday at Tooele City, Tooele County, Utah; that the notice attached hereto and which is a part of the proof of publication of

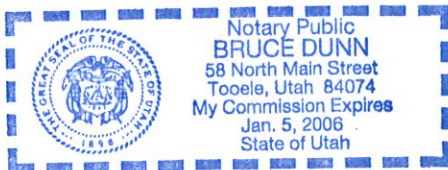
Ordinance 2003-40

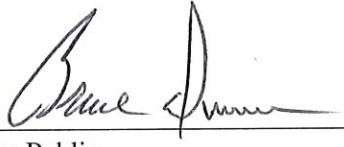
was published in said newspaper for one issue(s), the first publication having been made on the 16th day of December, 2003, and the last on the 16th day of December, 2003; that said notice was published in the regular and entire issue of every Tuesday edition of the paper during the period and time of publication, and the same was published in a newspaper proper and not in a supplement.



Scott C. Dunn

Subscribed and sworn to me this 17th day of December, 2003.





Notary Public