

Boulder, Utah

April 5, 1996

The Town Council of the Town of Boulder, Garfield County, State of Utah, met in regular Session at its regular meeting place in the Town Hall in Boulder, Utah, at 7:00 O'Clock P.M., on Friday, the 5th day of April, 1996, pursuant to a waiver of notice, time, date and place of said meeting, with the following members being present:

<u>Julee Lyman</u>	Mayor
<u>Wulf Barsch</u>	Councilmember
<u>Vard Coombs</u>	Councilmember
<u>Joel Greer</u>	Councilmember
<u>Gladys LeFevre</u>	Councilmember
_____	Councilmember

Also Present:

<u>Judi Davis</u>	Town Clerk
_____	_____
_____	_____

Absent:

_____	_____
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After the meeting had been duly called to order and the minutes of the preceding meeting read and approved, the following Ordinance was introduced, in writing, *discussed* and pursuant to the motion of Councilmember Joel Greer and seconded by Councilmember Gladys LeFevre was adopted by the following vote:

YEA:

<u>Wulf Barsch</u>
<u>Vard Coombs</u>
<u>Joel Greer</u>
<u>Gladys LeFevre</u>

NAY:

The Ordinance was then signed by the Mayor of the Town in Open Meeting and recorded by the Town Clerk in the official records of the Town. The Ordinance is as follows:

ORDINANCE NO. 33

AN ORDINANCE GRANTING TO SOUTH CENTRAL UTAH TELEPHONE ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS A FRANCHISE FOR A TELEPHONE SYSTEM, LINES, STATIONS AND ACCESSORIES.

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF Boulder, Garfield COUNTY, STATE OF UTAH:

SECTION 1. TELEPHONE FRANCHISE GRANTED TO SOUTH CENTRAL.

(a) Authority for Grant. The Town of Boulder under the authority and with permitted municipal legislation of Article I, Section 23 of the Constitution of the State of Utah and consistent with the statutes of the United States and the State of Utah there is hereby grants a non-exclusive franchise (the "Franchise") to South Central Utah Telephone Association, Inc. ("South Central" or "Grantee"), a corporation with its principal office in Escalante, Utah to construct, maintain, operate, use and furnish to the public including governmental, industrial, commercial and individual and all other consumers a telephone system and all incidental or like facilities for communications within all present and future highways, streets, public places, alleys and property granted or dedicated to or by the Town extending to above and below ground poles, towers, wires, conduits, telegraph and telephone lines for the exercise of any power which

South Central Utah Telephone Association, Inc. as authorized by law at the present or in the future to conduct so long as they are constructed, maintained, erected or operated in such a manner as to constitute the least interference with traffic in and upon highways, streets and alleys.

(b) Non-exclusive Character and Term of Franchise.

The Franchise hereby granted shall be non-exclusive and shall be for the term of thirty (30) years from date hereof. At the end of that term additional terms and extensions will be negotiated upon terms and conditions deemed reasonable to both the Town and the Grantee.

SECTION 2. NON-LIABILITY OF TOWN FOR ACTS OF GRANTEE.

All facilities constructed shall be established in accordance with lawful activities with respect to telephone, telegraph or communication enterprises and South Central Utah Telephone Association, Inc. will comply with all ordinances of the Town presently existing or as amended from time to time.

SECTION 3. ACCEPTANCE. The Town declares that it shall not at any time ever become liable or responsible to any person, firm, corporation or individual for any damage, injury (including loss of life), or loss by reason of the activities of South Central Utah Association, Inc. under this Franchise and South Central Utah Association, Inc. hereby indemnifies the Town to hold it harmless against all such liabilities, loss, cost, damage or expense which may be incurred by the Town by reason of the exercise or arising out of the implementation of this Ordinance.

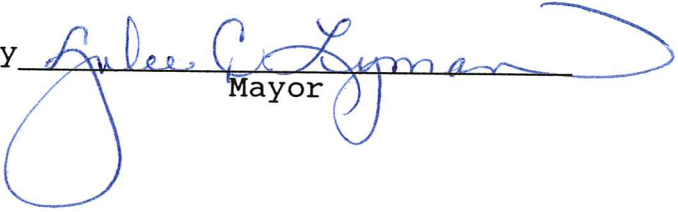
SECTION 4. EFFECTIVE DATE. South Central Utah Telephone Association, Inc., by making application herefore shall be presumed to have accepted this Franchise.

SECTION 5. This Ordinance shall take effect upon publication in the manner provided by §10-3-711, Utah Code Annotated 1953, as amended and all provisions shall be severable so that if any section, clause or term is held unconstitutional or contrary to law the void character shall not effect any of the remaining portions of this Ordinance.


PASSED AND APPROVED this 5th day of April, 1996.

TOWN OF BOULDER

By


Mayor

ATTEST:

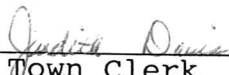

Town Clerk

(SEAL)


Other business not pertinent to the above appears in the minutes of the meeting.

Upon motion duly made and carried, the meeting was adjourned.

ATTEST:


Town Clerk

(SEAL)


Mayor

STATE OF UTAH)
 : SS.
COUNTY OF Garfield)

I, Judith Davis, hereby certify that I am the duly appointed, qualified and acting Town Clerk of the Town of Boulder, Garfield County, State of Utah;

I further certify that the above and foregoing constitutes a true and correct copy of the minutes of a meeting of the Town Council of said Town, including an Ordinance adopted at said meeting held on April 5, 1996, as said minutes and Ordinance are officially of record in my possession;

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town, this 5th day of April, 1996.

(SEAL)

Judith Davis
Town Clerk

STATE OF UTAH)
 : ss. CERTIFICATE OF COMPLIANCE WITH
COUNTY OF GARFIELD) OPEN MEETING LAW

I, Judith Davis, the duly qualified and acting Town Clerk of the Town of Boulder, Garfield County, State of Utah, do hereby certify that on the 4th day of April, 1996, pursuant to Section 52-4-6, Utah Code Annotated, 1953, as amended, I personally posted (at least 24 hours prior to the meeting time) at the Town Hall, written Notice of the Meeting of the Town Council held on April 5, 1996, at said regular meeting place. I further certify that there was delivered to the Garfield County News ^{correspondent} (newspaper), at least 24 hours prior to said meeting, a copy of said Notice of Meeting. A correct copy of said Notice is attached hereto.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the official seal of the Town this 5th day of April,
1996.

Jennifer Davis
Town Clerk

(SEAL)