

**ORDINANCE NO. 03-01-2020**

**AN ORDINANCE AMENDING THE ELECTRIC UTILITY FRANCHISE  
AND GENERAL UTILITY EASEMENT WITH ROCKY MOUNTAIN POWER**

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WHEREAS, Santaquin City granted an Electric Utility Franchise and General Utility Easement to Rocky Mountain Power on May 7, 2014 (“the Franchise Agreement”) under Ordinance 05-02-2014, which allows for amendments as outlined in Section 16; and

WHEREAS, Santaquin City is working to enhance its commercial district by investing in its municipal infrastructure (e.g. roads, water, irrigation, etc.) in support of the development of a 32 acre commercial area adjacent to 400 East Street in Santaquin, Utah; and

WHEREAS, the aforementioned infrastructure improvements will impact the electrical service to four existing residential electrical service connections served from 400 East Street between 100 North Street and 200 North Street identified by the following Utah County Parcel ID numbers (37:163:0005, 37:163:0008, 37:163:0003, and 37:163:0002); and

WHEREAS, in an effort to minimize the disruptions to said residential electrical service connections, to minimize impacts and modifications to existing homes, and to be sensitive to commercial construction schedules of the aforementioned commercial development, Santaquin City desires the perpetuation of providing overhead electrical services to the identified parcels;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANTAQUIN, UTAH, AS FOLLOWS:**

**Section I.** Electrical Service to Referenced Parcels. The parties hereto agree that notwithstanding any contrary provisions of the Franchise Agreement, residential electrical service connections provided by Rocky Mountain Power to parcels 37:163:0005, 37:163:0008, 37:163:0003, and 37:163:0002, which are necessitated by the development of the 32 acre commercial area adjacent to 400 East Street in the City of Santaquin between 100 North and 200 North, will be provided to the extent possible within existing rights of way, using overhead in lieu of underground transmission lines.

Santaquin City shall assume the financial responsibility of the future relocation of said electrical services to the identified parcels, at a reasonable wholesale rate for the actual time and materials associated with said improvements performed by Rocky Mountain Power, if Santaquin City exercises its rights under Section 10 of the Franchise Agreement for said service area.

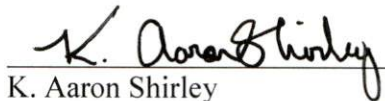
**Section II.** Severability. If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section III. Posting and Effective Date.** Prior to 5:00 p.m. on March 4, 2020, the City Recorder shall: (a) deposit a copy of this ordinance in the official records of the City; and (b) post a copy of this ordinance in three places within the City. This ordinance shall become effective at 5:00 p.m. on March 4, 2020.

ADOPTED by the Santaquin City Council on the 3<sup>rd</sup> day of March, 2020.

  
Mayor Kirk F. Hunsaker

Attest:

  
K. Aaron Shirley  
Santaquin City Recorder

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|----------------------------------|------------|
| Council Member Nick Miller       | <u>yes</u> |
| Council Member Elizabeth Montoya | <u>yes</u> |
| Council Member Lynn Meacham      | <u>yes</u> |
| Council Member David Hathaway    | <u>yes</u> |
| Council Member Jennifer Bowman   | <u>yes</u> |