

PRINTER'S AFFIDAVIT OF PUBLICATION

AFFIDAVIT OF PUBLICATION

CITY OF LAKE ELMO
ORDINANCE NO. 8032
 AN ORDINANCE GRANTING TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO ERECT A GAS DISTRIBUTION SYSTEM FOR THE PURPOSE OF INSTALLING, ENLARGING, OPERATING, REPAIRING AND MAINTAINING IN THE CITY OF LAKE ELMO, MINNESOTA THE NECESSARY GAS PIPES, MAINS AND APPURTENANCES FOR THE TRANSMISSION OR DISTRIBUTION OF GAS TO SAID CITY AND ITS INHABITANTS AND OTHERS AND TRANSMITTING GAS INTO AND THROUGH SAID CITY, AND TO USE THE PUBLIC WAYS AND PUBLIC GROUNDS OF SAID CITY FOR SUCH PURPOSE.

THE CITY COUNCIL OF THE CITY OF LAKE ELMO, WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

Section 1. There by and hereby is granted to Northern States Power Company, a Minnesota corporation, its successors and assigns, hereinafter referred to as "Company", for a period of 20 years from the date hereof, the right and privilege of erecting a gas distribution system in the City of Lake Elmo, Washington County, Minnesota, hereinafter referred to as "City", and using the public ways and public grounds of City for the purpose of installing, operating, repairing, and maintaining, in on, over, under and across the same, all gas pipes, mains, and appurtenances, usually, conveniently, or necessarily used in connection therewith, for the purpose of the transmission of gas, or the distribution of gas, for public and private use within the limits of City as its boundaries exist or as they may be extended in the future, and for the purpose of transmitting gas into and through the City. Company may also do all reasonable things necessary or customary to accomplish these purposes.

STATE OF MINNESOTA)
 County of Ramsey) ss

Eugene D. Johnson, being duly sworn, on oath says that he is the publisher or authorized agent and employee of the publisher of the newspaper known as The St. Croix Valley Press, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed CITY OF LAKE ELMO
Ordinance No. 8032

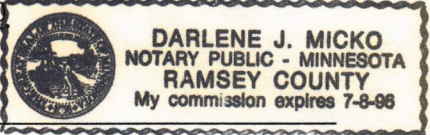
which is attached was cut from the columns of said newspaper, and was printed and published once each week, for One successive weeks; it was first published on Wednesday, the 8 day of August, 1990, and was thereafter printed and published on every _____ to and including _____, the _____ day of _____, 19____; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxy

BY: *Eugene D. Johnson*
 TITLE: Publisher

Subscribed and sworn to before me on this 8 day of August, 1990

Darlene J. Micko



Notary Public, Ramsey County, Minn.
 My Commission expires July 8, 1996

RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space. \$ 15.50
(Line, word, or inch rate)
- (2) Maximum rate allowed by law for the above matter. \$ 5.67
(Line, word, or inch rate)
- (3) Rate actually charged for the above matter. \$ 5.67
(Line, word, or inch rate)

oses... to the further provisions of this franchise. Gas as used herein shall be held to include natural gas, manufactured gas, or other form of gaseous energy.

Section 2. The gas transmission or distribution service to be provided and the rates to be charged by Company for service in the City shall be subject to the jurisdiction of the Public Utilities Commission of this State. Company shall provide reasonably efficient and adequate service to members of the public within the City who apply for such service in accordance with the rules and regulations of Company.

Section 3. Company shall indemnify, keep, and hold City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, or operation of Company's gas facilities located in, on, over, under, or across the public ways and public grounds of City, unless such injury or damage grows out of the negligence of City, its employees, or agents, or result from the performance in a proper manner of acts reasonably deemed hazardous by Company, but such performance is nevertheless ordered or directed by City after notice of Company's determination. In

event a suit shall be brought against City under circumstances where the above agreement to indemnify applies, Company at its sole cost and expense shall defend City in such suit if written notice thereof is promptly given to Company within a period wherein Company is not prejudiced by lack of such notice. If such notice is not reasonably given as hereinbefore provided, Company shall have no duty to indemnify nor defend. If Company is required to indemnify and defend, it will thereafter have complete control of such litigation, but Company may not settle such litigation without the consent of City, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to City; and Company, in defending any action on behalf of City shall be entitled to assert in any action every defense or immunity that City could assert in its own behalf.

Section 4. The City shall give the Company at least two weeks prior written notice of a proposed vacation of a public way. Except where required solely for a City improvement project, the vacation of any public way, after the installation of gas facilities, shall not operate to deprive Company of its rights to operate and maintain such gas facilities, until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to Company. In no case, however, shall City be liable to the Company for failure to specifically preserve a right-of-way under Minnesota Statutes, Section 160.29.

Section 5. Company shall have full right and authority to assign to any person, persons, firm, or corporation all the rights conferred upon it by this Ordinance, provided that the assignee of such rights, by accepting such assignment, shall become subject to the terms and provisions of this Ordinance.

Section 6. Company shall, if it accepts this Ordinance and the rights and obligations hereby granted, file a written acceptance of the rights hereby granted with the City Clerk within ninety (90) days after the final passage and any required publication of this Ordinance.

Section 7. This Ordinance shall be in full force and effect from and after its passage, any publication required by law, and acceptance by Company.

Section 8. Where a provision of any other Ordinance conflicts with the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

Section 9. Any notice to Company required under this Ordinance, shall be mailed to the Vice President of Gas Utility thereof at 825 Rice Street, St. Paul, Minnesota, 55117. Any notice to City shall be mailed to the CITY CLERK.

Passed and approved: June 5, 1990.

Susan Dunn

Mayor

Attest:

Mary Kueffner

City Clerk

EXCERPTS OF MINUTES OF JUNE 5,
1990 REGULAR MEETING
OF THE CITY COUNCIL
OF THE
CITY OF LAKE ELMO,
WASHINGTON COUNTY, MINNESOTA
JUNE 5, 1990

A Regular meeting of the City Council of the City of Lake Elmo, Minnesota, duly called, convened, and held in accordance with law, was called to order by Mayor Dunn on the 5th day of June, 1990 at 7 o'clock p.m. at the Council Chamber in said City.

The following members, constituting a legal quorum were present:

Mayor: Susan Dunn. City Council Members: Lee Hunt, Rose Armstrong, Todd Williams.

Councilmember Lee Hunt introduced a certain Ordinance No. 8032 entitled:

AN ORDINANCE, AND GRANTING TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO ERECT A GAS DISTRIBUTION SYSTEM FOR THE PURPOSE OF INSTALLING, ENLARGING, OPERATING, REPAIRING, AND MAINTAINING IN THE CITY OF LAKE ELMO, MINNESOTA, THE NECESSARY GAS PIPES, MAINS AND APPURTENANCES FOR THE TRANSMISSION OF DISTRIBUTION OF GAS TO SAID CITY AND ITS INHABITANTS AND OTHERS AND TRANSMITTING GAS INTO AND THROUGH SAID CITY, AND TO USE THE PUBLIC WAYS AND PUBLIC GROUNDS OF SAID CITY FOR SUCH PURPOSE.

and on motion made, seconded, and duly adopted, the above-entitled Ordinance was read.

Thereafter a motion was made by Councilmember Lee Hunt and seconded by Councilmember Rose Armstrong that the above-entitled Ordinance be adopted as read and in its entirety.

On roll call the vote was as follows:

AYES: (4) Dunn, Hunt, Armstrong, Williams.

NAYS: (0).

The Mayor then declared said motion duly carried and the above-entitled Ordinance duly passed and adopted, and ordered the City Clerk to publish the same in accordance with the law in such case made and provided.

I DO HEREBY CERTIFY that I am City Clerk of the City of Lake Elmo, Washington County, Minnesota, and that I am custodian of its records, that the above is a true and correct copy of a part of the minutes of the Regular meeting of the City Council of said City held on June 5, 1990.

Mary Kueffner
City Clerk

Published in the St. Croix Valley Press August 8, 1990