

## ORDINANCE NO. 01-2

AN ORDINANCE GRANTING CERTAIN RIGHTS AND PRIVILEGES TO  
THE ROOSEVELT COUNTY RURAL TELEPHONE COOPERATIVE, INC, ITS  
SUCCESSORS AND ASSIGNS

BE IT ORDAINED by the County Commission of the County of Curry, State of  
New Mexico:

SECTION 1. Grant of Authority. There is hereby granted by the County of Curry, hereinafter called the "County", to the Roosevelt County Rural Telephone Cooperative, Inc., hereinafter called the "Company", the non-exclusive right and privilege to construct, erect, operate and maintain, in, upon, along, across, above, over and under the roads, highways, public ways and public places now in use or dedicated, and all extensions thereof, and additions thereto, in said County, poles, wires, cables, underground conduits, manholes and other communications fixtures necessary or proper for the maintenance and operation in said County of the Company's communications business; provided however, that no poles or other fixtures shall be placed where the same will interfere with any electric light, water hydrant, or water main, and shall be placed in such a manner as to cause a minimum interference with the rights or reasonable convenience of property owners who adjoin any of said roads, highways, or public ways and places, and all such poles or other fixtures placed in any road shall be placed at the outer edge of the road or highway in such a manner as not to interfere with the usual travel on said roads and public ways.

SECTION 2. Company Liability. The said Company shall, at all times during the life of this franchise, be subject to all lawful exercise of the police power by

the County and to such reasonable regulation as the County may, by resolution or ordinance, hereafter provide. It is expressly understood and agreed by and between the said Company and the County that said Company shall save the County harmless from all loss sustained by the County on account of any suit, judgment, execution, claim or demand whatsoever, resulting from negligence on the part of said Company in the construction or maintenance of its telephone system in the County. The County shall notify the Company's representative within five (5) days after the presentation of any claim, or demand, either by suit or otherwise, made against the County on account of any negligence as aforesaid on the part of the Company.

SECTION 3.           Repair of Roads, Etc. In case of any disturbance of roads or highways, the Company shall, at its own cost and expense and in a manner entirely satisfactory to the County, and subject to the jurisdiction of said County, respecting the subject, replace and restore all such roads or highways in as good a condition as before said work was commenced.

SECTION 4.           Any person or corporation desiring to move a building or other structure along, or to make any unusual use of, the roads, highways and public ways of the County which shall interfere with the poles, wires or fixtures of the Company, shall first give notice to said Company, and shall pay to the Company a sum sufficient to cover the expense and damage incident to the cutting, altering and moving of the wires or other fixtures of said Company and before a permit is given by the County therefore; the applicant shall present a receipt from the Company showing the said payment.

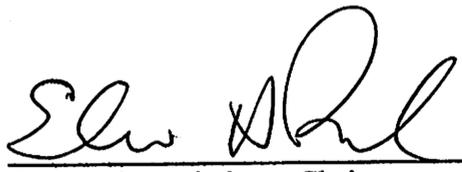
Thereupon the Company, upon presentation of said permit, shall within a reasonable time thereafter provide for and do such cutting, altering and moving of said wires and fixtures as may be necessary to allow such moving or other unusual use of the roads, highways and public ways of the County.

**SECTION 5.** It is understood and agreed that the acceptance of this franchise by the Company does not constitute a waiver of relinquishment of any rights or privileges the Company may have with respect to the roads and highways within the County by virtue of the Constitution and statutes of the State of New Mexico.

**SECTION 6.** Term of Franchise. The franchise and rights herein granted shall continue in force and effect for a term of ten (10) years after the effective date of this franchise.

**SECTION 7.** This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and recording in the manner provided by law.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the County Commission of the County of Curry, State of New Mexico, this 18th day of September, 2001.

  
County Commission – Chairman



Pete Halden  
County Commissioner

William A. Dale  
County Commissioner

James W. Helden  
County Commissioner

T. A. J.  
County Commissioner

ATTEST:

By: Mario Trujillo  
COUNTY CLERK - Mario Trujillo