

ORDINANCE NO. 1529

AN ORDINANCE GRANTING TO NORTHWESTERN CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO OCCUPY ANY OF THE STREETS, ALLEYS OR PUBLIC PLACES OF THE CITY OF MADISON, SOUTH DAKOTA, FOR THE PURPOSE OF TRANSMITTING OR DISTRIBUTING NATURAL GAS.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADISON, SOUTH DAKOTA:

**Section 1.** The right is hereby granted to NorthWestern Corporation, its successors and assigns, to occupy any of the streets, alleys or public places of the City of Madison, South Dakota, for the purpose of transmitting or distributing natural gas for a period of 20 years from the 6<sup>th</sup> day of December, 2012, provided, however, that the right herein granted will not be exclusive.

**Section 2.** NorthWestern Corporation will be liable for all damages due to its negligence in constructing, operating, or maintaining its natural gas system within the City of Madison, and shall at all times hold the City of Madison harmless from any and all liability arising out of NorthWestern Corporation's negligence. NorthWestern shall be subject to all other City of Madison ordinances and the requirements of applying for Excavation Permits and complying with Chapter 18, Article III, Division 2 - Excavations.

**Section 3.** In the event the City of Madison elects to become involved in the distribution of natural gas, NorthWestern Corporation agrees not to deny access to any transmission services for the supply of natural gas that are under the control of NorthWestern Corporation. In addition, the City of Madison reserves the right to impose any charges and fees as may be authorized by Federal or State law.

**Section 4.** This ordinance shall not be effective unless NorthWestern Corporation files its unconditional acceptance of this ordinance with the Finance Officer of the City of Madison within 45 days after the publication of this ordinance.

Passed and adopted this 13<sup>th</sup> day of November, 2012

CITY OF MADISON

/s/Gene Hexom  
Mayor

ATTEST: /s/Jeff Heinemeyer  
City Finance Officer

1<sup>st</sup> Reading: October 29, 2012  
2<sup>nd</sup> Reading: November 13, 2012