

RESOLUTION 14-8
“RESOLUTION APPROVING FEM FRANCHISE PETITION”

WHEREAS, FEM Electric Association Inc., a rural electric cooperative corporation, on the 4th day of November, 2014, filed with the County Auditor of the County of McPherson, State of South Dakota, its Application and Petition for Franchise for the purpose of obtaining and acquiring the right to erect and maintain poles, wires, and underground cable for the purpose of conducting electricity for lighting, heating, and power purposes together with stay wires and braces for the right to continue its present facilities in and along any public highway in the County of McPherson, State of South Dakota, for a period not to exceed twenty (20) years and subject to the conditions set forth in SDCL Chapter 31-26 and such further reasonable regulations as the legislature of the State of South Dakota may at any time hereafter prescribed, and

WHEREAS, FEM Electric Association, Inc., has agreed, if granted, the right prayed for in its Application and Petition for Franchise, that it will comply with all requirements of SDCL Chapter 31-26 and all amendments thereto hereafter or any subsequent laws prescribed by the legislature of the State of South Dakota, and

WHEREAS, said Application and Petition for Franchise was heard by the Board of County Commissioners of said County of McPherson, State of South Dakota, on the 2nd day of December, 2014 at 11 o'clock a.m. at the office of the Board in the Courthouse in the City of Leola, McPherson County, South Dakota, and that due notice of said hearing was given pursuant to SDCL Chapter 31-21-13, and

WHEREAS, no person, firm or corporation has appeared in opposition to the granting of such Application and Petition for Franchise and it appearing to the satisfaction of the Board of County Commissioners of McPherson County, State of South Dakota, that no differences have arisen or exist between the application, FEM Electric Association, Inc., and any owner of any transmission or telephone line on or along any part of said highway or highway system; and it further appearing to the satisfaction of the Board of County Commissioner that the construction, operation, and maintenance of the applicant's transmission and distribution system and electrical facilities as now installed and operating together with any additions that might be made or to be made hereafter will not interfere with the maintenance and operation of any other line upon any part of said highways or highway system, NOW THEREFORE, BE IT

RESOLVED by the Board of County Commissioners of the County of McPherson and State of South Dakota, that the right to construct, maintain, and operate poles, wires, and underground cable for the purpose, all in accordance with SDCL Chapter 31-26 and all subsequent amendments or laws enacted hereafter, along, upon, under, and across the public highways throughout the County of McPherson, State of South Dakota, for a period of twenty (20) years from and after the date hereof, be and is hereby granted to said FEM Electric

Association, Inc., subject to the terms and conditions of all laws of State of South Dakota pertinent thereto, and also subject to further reasonable regulations as the legislature of State of South Dakota may hereafter prescribe.

The foregoing Resolution was introduced by Commissioner Schumacher who moved its adoption; seconded by Commissioner Neuharth, and upon vote being taken thereon, all Commissioners voted "Aye".

WHEREFORE, the Chairman declared the motion duly carried unanimously and the Resolution adopted.

ATTEST:

Jennifer Guthmiller
McPherson County Auditor

Delmar Metzger
Chairman of Board of Commissioners