

#5

ORDINANCE NO. 5

AN ORDINANCE GRANTING A FRANCHISE TO THE ALBION TELEPHONE COMPANY TO ERECT AND MAINTAIN A SYSTEM OF TELEPHONE LINES AND A TELEPHONE EXCHANGE IN THE VILLAGE OF MALTA, IDAHO

-----  
BE IT ORDAINED by the Chairman and the Board of Trustees of the Village of Malta, County of Cassia, State of Idaho, that the ALBION TELEPHONE COMPANY, an Idaho corporation, be and is hereby granted an exclusive franchise and right-of-way through, in and upon the streets, alleys and public ground of the Village of Malta, in the County of Cassia, State of Idaho, for the use and purposes of therein and thereon to erect, maintain and use all the necessary poles or posts of wood, iron or other suitable materials, and the necessary wires successfully to operate and use a system of telephones or a telephone exchange in the Village of Malta aforesaid for a term of fifty (50) years, and thereafter from year to year until cancelled by either party giving to the other One Hundred and Twenty (120) days notice in writing at Malta, Idaho and prior to the end of the current term.

PROVIDED, that the said ALBION TELEPHONE COMPANY and its successors and assigns, shall maintain and use (under proper and reasonable restrictions and rules), an office and operator on lines of telephone wires, during the continuance of the enjoyment of the previlages herein granted, at some convenient point in said Village, and shall so set poles, or posts, and place the wires thereon in such places and in such a manner as not to interfere with travel on said streets, alleys or public grounds of the Village of Malta, aforesaid, and shall put and keep in good order all of those parts of the same interfered with or used in the erection of said poles or posts, and shall hereafter so maintain the same in like good order.

Said poles shall be so set as not to interfere with the flow of water in any gutter or drain in said Village, and

ERASABLE  
BOND

the points of location shall be determined under the direction of the street commissioner.

The Board of Trustees of the Village of Malta expressly reserves the right to grant the right-of-ways through, in and upon said streets, alleys and public ground for the erection, maintenance and use of necessary poles or posts and wires of any telephone company, or individuals whenever requested, the same not to interfere with the proper and successful use of rights herein granted to the ALBION TELEPHONE COMPANY, and its successors and assigns.

The Board of Trustees of the Village of Malta shall enact such ordinances as may become necessary for the protection of the telephone poles, fixtures and wires against abuse and injury.

This Ordinance shall take effect from and after its passage and approval and due publication according to law.

PASSED by the Chairman and the Board of Trustees of the Village of Malta, Idaho this 15<sup>th</sup> day of March, 1965.

APPROVED by the Chairman of the Board of Trustees of the Village of Malta, Idaho this 15<sup>th</sup> day of March, 1965.

Shirley H. Barlow  
Chairman of the Board of  
Trustees of the Village of  
Malta, Idaho.

ATTEST:

Gene Baxter  
Village Clerk



ORDER ORGANIZING THE VILLAGE OF MALTA INTO AN INCORPORATED VILLAGE.

The Board of County Commissioners of Cassia County, State of Idaho, being in special session this 18th day of August, 1958, the date set for the organization of the Village of Malta into an incorporated Village, and

WHEREAS, On the 14th day of July, 1958, a petition was presented to the Honorable Board of County Commissioners of the County of Cassia, State of Idaho, and filed in the office of the Clerk of the Board, said petition proposing that the Village of Malta be organized into an incorporated Village, and that the area to be included in said proposed Village of Malta, is described as follows:

Commencing at the Northwest corner of the Southeast Quarter of the Southeast Quarter of Section Two, Township Thirteen South, Range Twenty-six, East of the Boise Meridian; thence East One Mile to the Northwest corner of the Southeast Quarter of the Southeast Quarter of Section One, Township Thirteen South, Range Twenty-six, East of the Boise Meridian; thence South One three-eighths miles to the Southeast corner of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter of Section Thirteen, Township Thirteen South, Range Twenty-six, East of the Boise Meridian; thence West One mile to the Southeast corner of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter of Section Fourteen, Township Thirteen South, Range Twenty-six, East of the Boise Meridian; thence North One Three-eighths miles to the point of beginning.

AND WHEREAS, On the 11th day of July, 1958, the Board of County Commissioners, by resolution authorized the clerk of said Board to publish in the Burley Herald Bulletin, a notice of hearing of protests on the petition heretofore filed proposing the organization of the Village of Malta into an incorporated Village.

Said hearing to be set for the 11th day of August, 1958, at the hour of 2:00 o'clock p. m.; and

WHEREAS, it appeared in the affidavit of the publication in the Burley Herald Bulletin, that the notice of said hearing of protests of said petition has been published in the Burley Herald Bulletin in two successive issues, and

WHEREAS, It appears that on the date set for the hearing, that is, the 11th day of August, 1958, that no protests were filed or made, and no person having appeared or offered any objection or objections, to the organization of the Village of Malta into an incorporated village, and

WHEREAS, It appears to be for the best interest of the residents within the proposed boundaries of the proposed Village of Malta, that the Village of Malta will be incorporated into a village.

NOW, THEREFORE, Be it resolved and ordered and it is hereby ordered by the Board of County Commissioners of Cassia County:

That the petition requesting the organization of the Village of Malta into an incorporated village, be granted without modification and that the boundaries of said incorporated Village of Malta are described as follows, to-wit:

Commencing at the Northwest corner of the Southeast Quarter of the Southeast Quarter of Section Two, Township Thirteen South, Range Twenty-six, East of the Boise Meridian; thence East One Mile to the Northwest corner of the Southeast Quarter of the Southeast Quarter of Section One, Township Thirteen South, Range Twenty-six, East of the Boise Meridian; thence South One three-eighths miles to the Southeast corner of the Northeast Quarter of the Northwest Quarter of Section Thirteen, Township Thirteen South, Range Twenty-six, East of the Boise Meridian; thence West One mile to the Southeast corner of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter of Section Fourteen Township Thirteen South, Range Twenty-six, East of the Boise Meridian; thence North One Three-eighths miles to the point of beginning.

as said boundaries now exist in Cassia County, Idaho, and said described area shall be and the same is hereby fixed as the boundaries of the incorporated Village of Malta, Idaho.

And it is further ordered that by this order the Village of Malta shall be incorporated into a village under the laws of the State of Idaho, as prayed for in the petition presented to this board, and that the boundaries of said village shall be as set out herein.

It is further ordered that Earl Udy, Shirley Barlow, Albert Nichol森, Osmer Smith, John Locklier, all of whom are inhabitants and taxpayers of the Village of Malta as provided under Section 50-703 of the Idaho Code are hereby appointed as the trustees of the incorporated village of the Village of Malta, to hold office until the election and qualification of their successors as provided by law.

(COMMISSIONERS' SEAL)

Horace O. Hall

Chairman of the Board of County Commissioners.

ATTEST:

Frank B. Kearns

Clerk of the District Court, ex-officio Auditor and  
Clerk of the Board of County Commissioners of Cassia  
County, Idaho.

H. O. Hall then moved that said resolution and order be now passed, adopted and approved as read. The motion was seconded by R. J. Harper, the question being upon the adoption of said resolution and motion as made and entering of said order.

The roll was called with the following results:

Ayes: Commissioners H. O. Hall, R. J. Harper and John Clark.

Nays: None

Absent and not voting: None

The Chairman thereupon declared that all members of the Board of County Commissioners have voted in favor of the said resolution and order, the motion was carried and said resolution adopted and ordered entered, and a copy of this order and resolution will be

entered of record in the minute books of the Board of County Commissioners and the Clerk of the said Board is hereby authorized and directed to carry out the provisions hereof.