

ORDINANCE NO. 285

AN ORDINANCE OF THE CITY OF MESQUITE GRANTING TO TEXAS POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC LIGHT, HEAT AND POWER FRANCHISE, AND REPEALING ALL PREVIOUS ORDINANCES OF THE CITY OF MESQUITE, TEXAS, GRANTING A FRANCHISE FOR SUCH PURPOSE; PROVIDING FOR THE EFFECTIVE DATE OF SUCH ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That there is hereby granted to Texas Power & Light Company, its successors and assigns, herein called the "Grantee" the right, privilege and franchise until March 1, 1990, to construct, maintain and operate in the present and future streets, alleys and public places of the City of Mesquite, Texas, and its successors, electric light and power lines, with all necessary or desirable appurtenances (including underground conduits, poles, wires, transmission lines and other structures and telephone wires for its own use), for the purpose of supplying electricity to the said City, the inhabitants thereof and persons and corporations beyond the limits thereof, for light, heat, power and other purposes.

SECTION 2. Poles, structures and other appurtenances shall be so erected and maintained as not to interfere unreasonably with traffic over streets and alleys. The location of all poles, conduits and other structures shall be fixed under the supervision of the City Manager of the City of Mesquite, or such person or persons as may be designated by either the City Council or City Manager of the City of Mesquite, but not so as to interfere unreasonably with the proper operation of said line.

SECTION 3. The service furnished hereunder to said City and its inhabitants shall be first class in all respects, considering all circumstances, and shall be subject to such reasonable rules and regulations as the Grantee may make from time to time. The Grantee may require reasonable security for the payment of its bills.

SECTION 4. The City reserves to itself the right and power at all times to exercise, in the interest of the public, full regulation and control to assure the rendering of efficient public service at reasonable rates, and the maintenance of Grantee's property in good repair throughout the term of this franchise. Failure of the Grantee to comply with the terms of this franchise shall entitle the City, after due notice and hearing, to compel compliance with the terms of this franchise under penalty of forfeiture thereof.

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SECTION 5. The Grantee shall hold the City harmless from all expenses or liability for any act or neglect of the Grantee herein.

SECTION 6. That on the 10th day of April, 1960, and annually thereafter on the 10th day of April of each succeeding year for the life of this franchise, Texas Power & Light Company, its successors and assigns, shall pay to the City of Mesquite, Texas, a sum equal to two per cent (2%) of its gross revenue received from the sale of electric energy by said company from its residential and commercial business conducted within the corporate limits of said city, for the preceding twelve months ending January 31st, in full payment for the privilege of using and occupying the streets, highways, easements, alleys, parks and other public property of the City of Mesquite, whether as rental, supervision and inspection charges, or otherwise, for twelve months preceding April 10th of the year in which payment is made. This payment shall be in lieu of any other tax or increased rate of tax or other imposition, assessment or charges, except ad valorem taxes and except as provided for herein.

SECTION 7. At the present time, the laws of the State of Texas authorize the City of Mesquite to charge the sum not to exceed 2% of the gross revenue received by the Grantee from the sale of the electric energy by said company from its residential and commercial business conducted within the corporate limits of the City in full payment for the privilege of using and occupying the streets and highways, easements, alleys and other public places in the City. That in the event the laws of the State of Texas should be changed so as to either increase or decrease the maximum amount which may be charged by the City for use of such public areas, whether it be greater or less than the present 2%, then in that event the sums payable to the City as provided in Section 6 above may be proportionately increased or decreased accordingly at the City's discretion.

SECTION 8. The Grantee shall file its written acceptance of this franchise within sixty days after its passage and approval.

SECTION 9. This franchise is not exclusive, and nothing herein contained shall be construed so as to prevent the City from granting other like or similar rights and privileges to any other person, firm or corporation.

SECTION 10. When this franchise ordinance shall have become effective, all previous ordinances of the City of Mesquite, Texas, granting a franchise to Texas Power & Light Company for electric light, heat and power purposes, shall be automatically cancelled and

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annulled, and the same, together with any existing street rental agreement between the City and Grantee, shall be of no further force and effect.

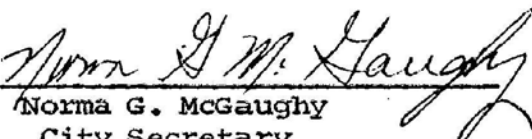
PASSED ON FIRST READING at regular meeting of the City Council on the 7th day of March, 1960.

PASSED ON SECOND READING March 21, 1960 and reread of second reading April 4, 1960.

PASSED ON THIRD AND FINAL READING April 18, 1960,


James Fontenot
Mayor

ATTEST:


Norma G. McGaughy
City Secretary