

Franchise Ordinance

An ordinance granting to the City of Bryan Rural Electric System, its successors and assigns the right, privilege and franchise to erect, construct, maintain, operate, use, extend, remove, replace and repair in, under, upon, over, across and along any and all of the present and future streets, squares, parks, lanes and alleys of the City of Snook, Texas, and over and across any stream or streams, bridge or bridges, now or hereafter owned or controlled by it, a system of poles, pole lines, transmission lines, distribution lines, wires, guys, conduits, and other desirable instrumentalities and appurtenances necessary or proper for supply and distribution of electricity for light, power, heat and for any other purposes for which electricity may be used, to the municipality and inhabitants of said city or any other person or persons; repealing all ordinances or parts of ordinances in conflict therewith; providing a savings clause; finding and determining that the meetings at which the ordinance is passed are open to the public as required by law; and providing for an effective date.

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

Section 1

That the City of Snook, Texas, herein called "City", grants its consent to the use of its present and future streets, alleys, highways and public grounds to the City of Bryan Rural Electric System, its successors and assigns, herein called "System", for the purpose of supplying electricity to the said City, the inhabitants hereof and persons and corporations beyond the limits thereof, for light, heat, power, and other purposes; said consent being granted for a term of ten (10) years from the date this ordinance is adopted and approved.

Section 2

Electric poles and/or lines shall be so erected as not to unreasonably interfere with traffic over streets and alleys.

Section 3

The System's property and operations in the City shall be subject to such regulations by the City as may be reasonably necessary for the protection of the general public including regulations as to rates and other operation of System as the City shall provide by resolution or ordinance. The System shall have the authority to promulgate such rules and regulations of its business as shall be reasonably necessary to enable the System to exercise its rights and perform its services under this franchise and to assure uninterrupted service to each and all of its customers. The System shall have the right and authority to charge and receive reasonable rates for its services furnished within the corporate limits of the City. The System may require reasonable security for the payment of its bills.

Section 4

In consideration of the grant of said privilege and franchise by the City and as full payment for the privilege of using and occupying the streets, alleys, highways, easements, parks, and other public places within the City, and in lieu of any and all occupation taxes, easements, and franchise taxes, and in lieu of license or inspection fees or charges, street and alley rentals, and of all other charges, fees, and rentals of whatsoever kind and character which the City may impose or hereafter be authorized or empowered by law to levy or collect, the System, its successors and assigns shall pay to the City of Snook, Texas, annually on or before February 12 of each year during the term hereof an amount equivalent to four percent (4%) of the gross revenue received by the System, its successors and assigns, during the preceding year from sales of electricity within the corporate limits of said City. On or before the 12th day of February

of each year a report shall be filed with the City by the System showing its gross revenues as aforesaid for the preceding year, and the payment made hereunder shall be based on said report.

Section 5

Nothing herein contained shall ever be held or construed to confer upon the System exclusive rights or privileges of any nature whatsoever. This franchise is granted by the City of Snook, Texas, to the City of Bryan Rural Electric System for the purposes of allowing the System to continue providing electric service to its customers in the areas incorporated or to be incorporated by the City of Snook, Texas, in which the System was serving prior to such incorporation; and to provide electric service to any customer desiring electric service in such areas when reasonable conditions of the System have been met.

Section 6

The System shall save the City harmless from all loss sustained by the City on account of any suit, judgment, execution, claim or demand whatsoever, resulting from negligence on the part of the System in the construction, operation or maintenance of its system in the City.

Section 7

In the event that the City shall elect to alter or change location or the grade of any street, alley, or other public way, System, upon reasonable notice from the City, shall remove and relocate its poles, wires, cables, conduits, and other fixtures or equipment affected thereby at its expense.

Section 8

System shall have the authority to trim trees overhanging streets, alleys, sidewalks, and public places of the City so as to prevent the branches of such trees from coming into contact with the wires and cables of System, all trimming to be done under the direction of the City and at the expense of the System. City shall not unreasonably interfere with such trimming.

Section 9

System shall within thirty (30) days from the approval of this ordinance, notify the Mayor of the City of its acceptance in writing.

Section 10

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

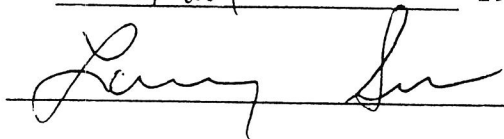
Section 11

Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

Section 12

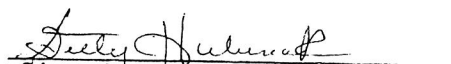
It is hereby found and determined that the meeting at which this ordinance was passed was open to the public as required by Article 6252-17, V.A.T.C.S., and that advance public notice of time, place and purpose of said meeting was given.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SNOOK this 23 day of May 1994.



(Exhibit A)

ATTEST:


City Secretary