

ORDINANCE NO. 1

AN ORDINANCE GRANTING TO KAUFMAN COUNTY ELECTRIC COOPERATIVE, INC., A CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO FURNISH AND SUPPLY ELECTRICITY TO THE GENERAL PUBLIC IN THE CITY OF POST OAK BEND, KAUFMAN COUNTY, TEXAS, AND THE ENVIRONS THEREOF; AND FIXING AND DETERMINING RATES AND CHARGES FOR ELECTRIC SERVICE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POST OAK BEND, TEXAS:

SECTION 1: That the City of Post Oak Bend, Texas, hereinafter called "City", hereby grants to the Kaufman County Electric Cooperative, Inc., hereinafter called "Company", its successors and assigns, consent to use and occupy the present and future streets, alleys, highways, public places, public thoroughfares and grounds of the City for the purpose of laying, maintaining, constructing, operating and replacing therein and thereon electric transmission distribution lines and sell electricity to persons, firms and corporations, including all the general public, within the City's corporate limits and the environs thereof, said consent being granted for a term of 50 years from and after the date of the passage and approval of this ordinance.

SECTION 2: All poles, guys and laterals shall be so installed as to interfere as little as possible with traffic over the streets and alleys. The location of all poles, guys and laterals may be fixed under the supervision of the governing authorities of the City of Post Oak Bend.

SECTION 3: When Company shall make or cause to be made excavations, or shall place obstructions, in any street, alley or other public place, the public shall be protected by barriers and lights placed, erected and maintained by Company; and in the event of injury to any person or damage to any property be reason of the construction, operation or maintenance of the electric distribution system of Company, then Company shall indemnify and keep harmless the City from any and all liability in connection therewith. Company shall repair and clean up and restore to an approximate original condition all streets and alleys disturbed during the construction and repair of its electrical distribution system.

SECTION 4: The maximum rate to be charged by Company for electricity sold each consumer is hereby fixed and determined to be as shown in the schedule attached hereto as Exhibit "A".

The said rates are for a month or part of a month during which electricity is used by any consumer at the same address.

The rate and charges herein provided shall be subject to

In order to determine the gross receipts received by Company from the sale of electricity within the corporate limits of City, Company agrees that on the same date that payments are made as provided in the preceding paragraph of this Section 7, it will file with the City Secretary a sworn report showing the gross receipts received from the sale of electricity to its domestic and commercial consumers within said city limits for the calendar year preceding the date of payments. City may, if it sees fit, have the books and records of Company examined by a representative of said City to ascertain the correctness of the sworn reports agreed to be filed herein.

SECTION 8: The rights, privileges and franchises granted by this ordinance are not to be considered exclusive, and City hereby expressly reserves the right to grant, at any time, like privileges, rights and franchises as it may see fit, to any other person or corporation for the purpose of furnishing electricity for light, heat and power to and for City and the inhabitants thereof.

SECTION 9: This franchise ordinance shall be considered effective from and after the date of its passage and approval by the Mayor.

PASSED AND APPROVED this 1st day of April, 1979.

Al Ray
Mayor

Attest:

Lynnda L. Hamenock
City Secretary