

NO. 4

AN ORDINANCE GRANTING TO ANGUS WATER SUPPLY CORPORATION A FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE A WATER SUPPLY SYSTEM IN THE CITY OF ANGUS, TEXAS, AND PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGUS, TEXAS, THAT:

SECTION 1: There is hereby granted to Angus Water Supply Corporation, hereinafter called Grantee, its successors and assigns, the right, privilege and franchise to construct, maintain and operate a water supply system in the City of Angus, Texas, hereinafter called City, and for that purpose to have, acquire, construct, maintain and operate in, upon and under the present and future streets, alleys, highways, parkways and other public places of the City, a water supply system with all necessary or desirable appurtenances, in order to supply water to the City, to the inhabitants thereof, for the considerations and subject to the conditions, terms, duties, obligations and limitations expressed in this Ordinance.

SECTION 2: All construction and other work done by the Grantee, and the operation of its business, under and by virtue of this Ordinance, shall be in conformity with the ordinances, rules and regulations now in force and that may hereafter be adopted by the City of Angus, Texas, relating to the use of its streets, alleys, highways, parkways, and public places, and in the interest of the interest of the public safety. The locating and placing of water lines and meters and other instrumentalities by the Grantee shall at all times be under the control and subject to the approval of the City Council; provided, that in such construction the Grantee shall be required to use the alleys, instead of the streets or highways, where alleys exist which it is practical to use in the economical service of supplying water to its customers, but where it is necessary, practical or economical to place such water lines in the streets or highways instead of the alleys, then such construction shall be placed between the curb line and property line on any such street or highway, unless otherwise authorized and directed by the City Council. In placing its water lines, the Grantee shall not interfere with any existing water lines, sewer lines, or other underground facilities of the City, or with any public or private drain in any street, highway or alley, except with the consent and under the direction of the City Council.

If the Grantee, in placing its water lines, shall come in conflict with the rights of any other person, firm or corporation having a franchise from the City, the City Council shall determine all questions concerning the conflicting rights of the respective parties, and shall determine the location of the structures of said parties, and what changes, if any, should be made and at whose cost and shall reconcile all differences between the respective parties.

~~If the City, in constructing its sewers, underground facilities, streets, highways or other public works, should require any water lines of the Grantee to be shifted or relocated, such water lines shall be shifted or relocated by the Grantee, at its expense, as and when required by the City.~~

SECTION 3: The grantee shall, at its own cost and without expense to any of its customers or prospective consumers, wherever permanent improvements are located on the premises of such consumer or prospective consumer, construct and maintain service of proper size and capacity from its existing facilities to the property line of each such consumer or prospective consumer, upon demand of such consumer or prospective consumer; but the Grantee shall be entitled to charge and collect from such consumer or prospective consumer an installation fee for installing a service connection from such property line to its meter. Said installation or connection fee shall not exceed the sum of \$150.00. It is provided, however, that should Grantee desire at any time thereafter to change the point

of service to any consumer, such change in the service from the property line to the house necessitated by such change of service connection shall be borne by Grantee.

SECTION 4: Whenever the City shall conclude to pave any street, highway or alley in which the facilities of Grantee already exist, or in which Grantee may propose to place facilities, the Grantee may be required, in advance of such paying, to renew such existing facilities, if defective or inadequate, or to place adequate transmission facilities, and to place service facilities, or renew same, if inadequate or defective, to the property lines where buildings are already located without regard to the number of consumers along the line, but in any event, for such prospective consumers as may be obtained by a careful canvass of the locality. The grantee shall be given reasonable notice of the intention of the City to pave any such street, highway or alley, and if the Grantee shall fail to comply with the requirements of the City, after such notice, in the particulars above stated, and such street, highway or alley is thereupon paved, the Grantee shall not be allowed thereafter to cut such pavement or excavate in such paved street, highway or alley for any purpose, except by formal permission of the City Council and under such terms and conditions as the City Council may prescribe.

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SECTION 5: The Grantee shall within one (1) year after the granting of this franchise file with City Council of the City of Angus, Texas, a map or maps, in convenient book or atlas form, or shall correct or bring up to date, any map or maps now so on file, showing in reasonable detail its entire water line system in the City of Angus, Texas, as same then exists, which shall include the locations, depths of all transmission facilities, connections with premises and other apparatus employed by Grantee, and which map shall be corrected and brought to date by Grantee annually, as it may alter, change or extend its said system, provided, however, that tentative maps or plans for any constructions proposed by said Grantee, in the streets, highways, alleys and other public places of the City, under the provisions of this franchise, must first be presented to the City Council for consideration and approval, and no transmission facility, or other construction of Grantee, shall be placed in the streets, highways, alleys, parkways or public places unless and until the locations and depth of same have been approved and fixed by the City Council, and provision made by the City Council for the restoration and maintenance by Grantee of any such streets, highways, alleys or public places.

SECTION 6. Grantee shall install upon the premises of each customer a meter of standard type for the purpose of measuring accurately the water consumed by such customer, ~~and there shall be no charge for the installation and use of such meter,~~ and Grantee shall not furnish or use any meter whose measurement is more than three per cent (3%) fast or slow. That Grantee may charge a fee of \$25.00 for the resetting or relocating of a meter on the same premises at the request of the customer, after same has been first installed.

SECTION 7. Grantees shall at all times maintain a water system adequate to serve all present or future customers, including adequate water service lines. Grantee shall at all times during the terms of this franchise furnish water supply service to the City of Angus, Texas and to the prospective customers, which shall be at all times first class and modern in every respect, and sufficient to meet all reasonable demands, and so far as commercially practicable, without undue interruptions or fluctuations. Any breach of this section on the part of Grantee shall be grounds for the City to void the franchise. Grantee must furnish water to all persons who demand same in all additions now being served by Grantee or in any additions which Grantee attempts to serve in the future.

SECTION 8: Grantee, through the life of this Ordinance, agrees to furnish inhabitants residing within the city limits of Angus, Texas, treated water sold and distributed by Grantee hereunder at a minimum rate scale based upon its by-laws to all other customers being served, the present minimum being \$10.00 per month for minimum usage of three thousand (3000) gallons of treated water.

SECTION 9: The terms of this franchise is for fifty (50) years.

SECTION 10: The fact that at present there is no ordinance granting a franchise to Angus Water Supply Corporation to operate a water supply in the City of Angus, Texas, and the health and welfare of the City demands that such an ordinance be enacted immediately creates an emergency which is here and now declared and all rules and regulations providing for the reading of Ordinance on more than one occasion or more than one time are suspended and this Ordinance is passed as an emergency measure and shall be in full force and effect from and after its passage and publication.

PASSED by the City Council of the City of Angus, Texas, on this the 12 day of November, 1973.

Richard D. Baker  
Mayor, City of Angus, Texas

A T T E S T :

Mrs. Dorothy Edna  
City Secretary