

City of Cottonwood Shores

ORDINANCE 4008

AN ORDINANCE GRANTING TO PEDERNALES ELECTRIC COOPERATIVE, INC., ITS SUCCESSORS AND ASSIGNS AN ELECTRIC LIGHT, HEAT AND POWER FRANCHISE, AND REPEALING ALL PREVIOUS ORDINANCES OF THE CITY OF COTTONWOOD SHORES, TEXAS, GRANTING A FRANCHISE FOR SUCH PURPOSE.

History: August 16, 2012 – Repealed Ordinance 122889-1A and adopted Ordinance 4008.

August 6, 2014 – Added missing section

BE IT ORDAINED BY THE CITY OF COTTONWOOD SHORES TEXAS:

Section 1: That there is hereby granted to Pedernales Electric Cooperative, Inc., its successors and assigns (herein called the “Grantee”), the right, privilege and franchise until October 1, 2014, to construct, maintain and operate in the present and future, streets, alleys and public places of the City of Cottonwood Shores, 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 street and alley committee of the City of Cottonwood Shores, Texas or the successors to the duties of that committee, but not so as to interfere unreasonably with the proper operation of said lines.

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 Grantee shall hold the City harmless from all expense or liability for any act or neglect of the Grantee hereunder.

Section 5: That on the 15th day of February, 1990, Pedernales Electric Cooperative, Inc., its successors and assigns, shall pay to the City of Cottonwood Shores, Texas, a sum equal to two percent (2%) of its gross revenue received from the sale of electric power and energy by said

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Cooperative within the corporate limits of said City for the preceding three months ending December 31, 1989, and annually, thereafter on February 15, of each succeeding year, for the life of this franchise. Pedernales Electric Cooperative, Inc., its successors and assigns shall pay the City of Cottonwood Shores, Texas, a sum equal to two percent (2%) of its gross revenue received from sales of electric power and energy by said Cooperative within the Corporate limits of said City for the preceding twelve months ending December 31, in full payment for the privilege of using and occupying the streets, highways, easements, alleys, parks, and other public places in the City of

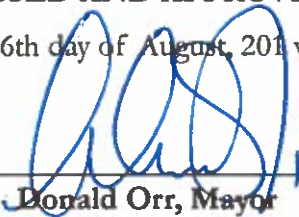
Cottonwood Shores, Texas, as well as rental, supervision and inspection charges. This payment shall be in lieu of any other tax or increased rate of tax or other imposition, assessment, or charges, except ad valorem taxes.

Section 6: The Grantee shall file its written acceptance within sixty (60) days after its passage and approval.

Section 7: This franchise is not exclusive, and nothing herein shall be construed so as to prevent the City of Cottonwood Shores, Texas from granting other like or similar rights and privileges to any other person, firm or corporation.

Section 8: When this franchise ordinance shall have become effective, all previous ordinances of the City of Cottonwood Shores, Texas, granting a franchise to Pedernales Electric Cooperative, Inc. for electric light, heat and power purposes, shall be automatically canceled and 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 AND APPROVED by the City Council of Cottonwood Shores, Texas, at a meeting on the 6th day of August, 2011 with 5 votes in favor, 0 votes against and 0 abstentions.


Donald Orr, Mayor



Attest:



Sheila C. Moore
City Administrator/City Secretary