

ORDINANCE NO. 109

AN ORDINANCE GRANTING TO TARRANT UTILITY COMPANY THE RIGHT, PRIVILEGE AND FRANCHISE TO BUILD AND OPERATE A SANITARY SEWER SYSTEM FOR THE PURPOSE OF COLLECTING AND TREATING DOMESTIC SEWERAGE AND OTHER TYPES OF WASTE ORIGINATING IN AND ABOUT THE CITY OF WILLOW PARK, TEXAS, UNDER CERTAIN TERMS, DUTIES AND RESTRICTIONS.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WILLOW PARK, TEXAS:

SECTION 1.

Subject to the terms and conditions mentioned in this ordinance, the right, privilege and franchise is hereby granted to Tarrant Utility Company, its successors and assigns, until January 1, 2014, to use the highways, streets, alleys, and all public lands within the corporate limits of the City of Willow Park, Texas, as the same may from time to time exist, for the purpose of laying, constructing, erecting, maintaining and operating mains, pipes, conduits, manholes, laterals, lift stations, service lines, treatment plants and other collecting and treating devices necessary for conducting an adequate sanitary sewer service for public and private use for the inhabitants of the City of Willow Park, Texas.

SECTION 2.

Grantee shall lay, maintain, construct, operate and replace its pipes, mains, laterals, service lines and other equipment in conformity with good engineering and business practices and shall comply with all present or future laws pertaining to the construction, operation and maintenance of sanitary sewer systems within the State of Texas.

The surface of any highway, street, alley or public place disturbed by the Grantee in erecting, building, constructing, extending or maintaining its sanitary sewer system and appurtenances thereto, shall be restored within a reasonable time after the completion of the work to substantially as good a condition as before the commencement of the work. No highway, streets, alley, or public place shall be encumbered for a longer period than shall be necessary to execute the work.

SECTION 3.

The grantee shall furnish sewer service under the conditions herein prescribed to all applicants not in arrears for prior water or sewer bills for service, pipe or other materials, provided such applicants own or occupy premises, abutting on streets, highways or other public places in which sewer lines are laid.

SECTION 4.

Grantee shall furnish adequate service to the public at reasonable rates and charges and may make and enforce reasonable rules and regulations in the conduct of its business, and may require before furnishing any service the execution of a contract therefor. All such rates and charges shall be subject to the approval of the City of Willow Park, Texas, as provided in the laws of the State of Texas.

SECTION 5.

Grantee agrees at its cost to extend the sewer lines for a distance of 100 feet per connection, but shall not be required to extend sewer lines on any highway, street, alley or other thoroughfare more than 100 feet, for any one customer.

Should a customer desire service who is a greater distance away the customer shall pay the additional costs involved. The rate per foot charges for these extensions shall be a fair and reasonable price.

SECTION 6.

Grantee, its successors or assigns, shall pay to the City of Willow Park, Texas, a sum equal to 2% of the gross revenues received for the furnishing of sanitary sewer services within the corporate limits of said City of Willow Park, Texas, for the preceding calendar year, which payment shall be in full payment for the privilege of using and occupying the streets, highways, easements, alleys, parks and other public places in the City of Willow Park, Texas, whether as rental, supervision or inspection charges or otherwise. 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.

Grantee shall, on the date that payments are made, file a sworn report with the City Secretary showing the gross receipts received from the furnishing of sanitary sewer service within the corporate limits of the City of Willow Park, Texas, in the calendar year preceding the date of the payments. A designated representative of the City of Willow Park, Texas, may examine the books and records of the Grantee at any mutually agreeable place or time to verify the correctness of the sworn reports filed.

SECTION 7.

In the event that Grantee shall breach any of the terms and conditions of this franchise, the City of Willow Park, Texas, shall give written notice thereof pointing out the particular terms and conditions alleged to have been breached. Grantee, its successors or assigns, shall have 20 days after receipt of the notice in which to commence correcting the default. Should Grantee fail to correct the default or not be in the process of correcting the default within the said 20 days, then the City of Willow Park, Texas, may terminate the franchise without any liability on the part of the said City of Willow Park,

Texas.

SECTION 8.

The rights, privileges and franchise granted by this ordinance are not exclusive and nothing herein contained shall be construed to prevent the City of Willow Park, Texas, from granting other like or similar rights and privileges or franchises to any other person, firm or corporation.

SECTION 9.

Grantee shall, within 30 days after the passage of this ordinance, notify the Mayor of the City of Willow Park, Texas, of its consent and acceptance of the provisions and conditions of this ordinance by giving written acceptance. Construction of the sewer system shall be commenced within one year after the acceptance of this franchise.

SECTION 10.

If any section, sentence, clause or phrase of this ordinance is for any reason held to be illegal, ultra vires, or unconstitutional, such invalidity shall not affect the validity of the remaining portions of this ordinance. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed.

SECTION 11.

The fact that the City of Willow Park, Texas, is a town containing a growing population and is wholly without any public sewer system creates an emergency and an imperative public necessity that provisions be made for the construction of such sewer system within the City of Willow Park, Texas, as soon as possible, and the rule requiring the reading of this ordinance on three successive meeting dates is hereby suspended, and this ordinance is put upon its third and final reading and finally passed at the meeting on this date, and it shall take effect and be in full force from and after its passage and approval by the Mayor and the acceptance in writing as herein above provided.

PASSED AND APPROVED, this the 21st day of October, 1963.

J. D. St. Clair

Mayor, Town of Willow Park, Texas

ATTEST:

Mrs. Mary Ann Boubel

Town Secretary

