

ORDINANCE N<sup>o</sup> 0025

AN ORDINANCE GRANTING TO CENTRAL POWER AND LIGHT COMPANY, A CORPORATION DULY INCORPORATED UNDER THE LAWS OF THE STATE OF TEXAS, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC LIGHT, HEAT, AND POWER FRANCHISE

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF INDIAN LAKE:

SECTION 1: There is hereby granted to Central Power and Light Company, its successors and assigns, herein called the "Grantee," the right, privilege, and franchise until \_\_\_\_\_ Dec. 31, 2028, to construct, maintain, and operate in the present and future streets, alleys, and public places of the Town of Indian Lake, Texas, as the limits of said Town now exist and as they may hereafter be extended, and its successors, electric light and power lines, with all necessary or desirable appurtenances (including underground conduits, poles, towers, wires, and transmission lines, and telegraph and telephone wires for its own use) for the purpose of supplying electricity to the said Town, the inhabitants thereof, and persons and corporations within and beyond the limits thereof, for light, heat, power, and other purposes.

SECTION 2: Poles and towers shall be erected so as not to interfere unreasonably with traffic over streets and alleys, and the Town may make and impose reasonable requirements fixing the location of poles, towers, and conduits, provided that no such requirement shall be unreasonably burdensome upon Grantee or unreasonably interfere with the proper operation of said facilities.

SECTION 3: The service furnished hereunder to said Town and its inhabitants shall be subject to such reasonable rules and regulations as the Grantee shall make from time to time. The Grantee may require reasonable security for the payment of its bills and reasonable fees in connection with furnishing said service.



SECTION 4: The Grantee shall hold the Town harmless of and from all expense or liability for any act of negligence of the Grantee hereunder.

SECTION 5: As consideration for the rights and privileges herein granted, the Grantee will pay to the Town throughout the term of this franchise a gross receipts tax equal to two per cent (2%) of the gross receipts of Grantee from the sale of electricity within and for use within the corporate limits of the Town in semi-annual payments, being payments on or before each May 1, computed on said gross receipts during the period of six (6) months ending on the preceding March 31, and on or before November 1, computed on said gross receipts during the period six (6) months ending on the preceding September 30. In the event Grantee should agree to pay to any other municipality which it serves a greater percentage than two per cent (2%) of its said gross receipts, Grantee will automatically thereafter pay to the Town of Indian Lake the same percentage of its gross receipts within the Town of Indian Lake derived from the sale of electric energy.

SECTION 6: This franchise is not exclusive and nothing contained herein shall be construed to prevent the Town from granting other like or similar rights and privileges to any other person, firm, or corporation permitted by law to provide electric utility service within the boundaries of the Town.

SECTION 7: This grant is conditioned that the Grantee shall file its written acceptance of this franchise within ninety (90) days after the adoption of this ordinance.

INTRODUCED in written form and READ, PASSED and ADOPTED at first reading at a regular meeting duly and regularly called and held on the 16th day of January, 1979, by the following vote, to-wit:

AYES Dennis Hunter NAYS \_\_\_\_\_  
Harold Johnson \_\_\_\_\_  
Alice Pinard \_\_\_\_\_  
Harold Knight \_\_\_\_\_  
John Wilson \_\_\_\_\_  
\_\_\_\_\_

[Signature]  
MAYOR OF THE TOWN OF INDIAN LAKE,  
TEXAS

ATTEST:

Mildred B. Gilmore  
CITY SECRETARY

THE STATE OF TEXAS X  
COUNTY OF CAMERON X

I, the undersigned, Town Secretary of the Town of Indian Lake, Texas, hereby CERTIFY that the above and foregoing is a true and correct copy of a franchise ordinance passed, adopted, and approved by the Board of Aldermen of the Town of Indian Lake, Texas, at a meeting duly and regularly called and held on the 16th day of January, 1979.

IN TESTIMONY WHEREOF, witness my hand and seal of office, this the 16th day of January, 1979.

Mildred B. Gilmore  
TOWN SECRETARY OF THE TOWN OF  
INDIAN LAKE, TEXAS



THE STATE OF TEXAS    Y  
COUNTY OF CAMERON    Y

WHEREAS, the Board of Aldermen of the Town of Indian Lake, Texas, by ordinance passed, adopted and approved at a regular meeting of said Board of Aldermen held in the Town of Indian Lake, Texas, on the 16th day of January, 1979, being finally adopted and approved by the said Board of Aldermen on such stated date, granted to Central Power and Light Company, its successors and assigns, the right, privilege and franchise until December 31, 2028, to construct, maintain and operate in the present and future streets, alleys and public places of the Town of Indian Lake, Texas, and its successors, electric light and power lines with all necessary or desirable appurtenances for the purpose of supplying electricity to the Town of Indian Lake, Texas, the inhabitants thereof, and persons and corporations within and beyond the limits thereof for light, heat, power and other purposes; and

WHEREAS, said franchise ordinance provides in Section 7 thereof that the Grantee shall file its written acceptance of this franchise within ninety (90) days after the adoption of this ordinance.

NOW, THEREFORE, Central Power and Light Company, a Texas corporation, acting by its duly authorized officers, Grantee of said franchise granted to it, its successors and assigns, by said ordinance passed, adopted and approved by the Board of Aldermen of the Town of Indian Lake, Texas, on the 16th day of January, 1979, and finally adopted and approved by the said Board of Aldermen on such stated date, hereby accepts said franchise and files this, its acceptance thereof, and agrees that it, its successors and assigns, is and shall be entitled to all of the rights, privileges and franchise thereby granted and is and shall be bound by and will comply with all of the duties, liabilities, terms and provisions thereof.

IN WITNESS WHEREOF, said Grantee has caused these presents to be executed by its duly authorized officers and attested by its corporate seal, this the 31<sup>st</sup> day of

January, 1979.

CENTRAL POWER AND LIGHT COMPANY

By S. B. Denton  
Vice President  
S. B. DENTON

ATTEST:

Florine Gupton  
ASSISTANT Secretary  
FLORINE GUPTON

THE STATE OF TEXAS    X

COUNTY OF CAMERON    X

I, the undersigned Town Secretary of the Town of Indian Lake, Texas, hereby CERTIFY that the above and foregoing is a full, true and correct copy of an instrument dated the 31<sup>st</sup> day of January, 1979, accepting the franchise granted by an ordinance of the Board of Aldermen of the Town of Indian Lake, Texas, on the 16th day of January, 1979, and finally adopted and approved by said Board of Aldermen on such stated date, filed by Central Power and Light Company with the Town of Indian Lake, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 1979, and that such acceptance appears of record and on file in my office.

IN TESTIMONY WHEREOF, witness my hand and seal of the Town of Indian Lake, Texas, this the 12<sup>th</sup> day of February, 1979.

Mildred B. Gilmore  
Town Secretary of the Town of  
Indian Lake, Texas

