

AN ORDINANCE GRANTING TO RAVENNA-MUNNIELE WATER SUPPLY CORP., ITS SUCCESSORS AND ASSIGNS, A PUBLIC WATER SUPPLY FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS AND PUBLIC GROUNDS AND WAYS OF THE CITY OF RAVENNA, TEXAS, PROVIDING FOR COMPENSATION THEREFOR, PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE, PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE, PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES, AND FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF RAVENNA, TEXAS:

SECTION 1. That there is hereby granted to Ravenna-Munniele Water Supply Corp., its successors and assigns, the right, privilege and franchise to supply public water and operate in, along, under and across the present and future streets, alleys, highways, and public grounds and ways of the City of Ravenna, Texas with all necessary or desirable appurtenances for the purpose of supplying public water within the City, the inhabitants thereof, and persons, firms and corporations beyond the corporate limits thereof, other purposes.

SECTION 2. Ravenna-Munniele Water Supply Corp. equipment and operations within the corporate limits of the City shall be subject to such reasonable rules and regulations of the City as may be authorized by applicable law for the protection of the general public.

SECTION 3. Ravenna-Munniele Water Supply Corp. shall hold the City harmless from all expense or liability for any act or neglect of Ravenna-Munniele Water Supply Corp. hereunder.

SECTION 4. This franchise is not exclusive, and nothing herein contained shall be construed so as to prevent the City from granting other like or similar rights, privileges and franchises to any other persons, firm or corporation.

SECTION 5. In consideration of the grant of said right, privilege and franchise by the City and as full payment for the right, privilege and franchise of using and occupying the said streets, alleys, highways and public grounds and ways, and in lieu of any and all occupation taxes, assessments, municipal charges, fees, easement taxes, franchise taxes, license and inspection fees or charges, street taxes, street or alley rentals, certain regulatory expense under Section 24 of the Public Utility Regulatory Act or any similar or successor law, and all other

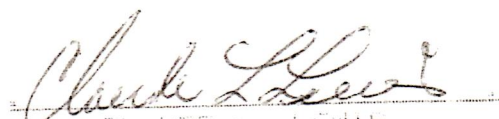
rates, charges, levies, fees and rentals of whatsoever kind and character which the City may impose or hereafter be authorized or empowered to levy and collect, excepting only the usual general or specialized ad valorem taxes which the City is authorized to levy and impose upon real and personal property, sales and use taxes, and special assessments for public improvements. Ravenna-Munneles Water Supply Corp. shall pay to the City quarterly during the term hereof a sum equal to two percent (2%) of its gross basic rate receipts received by Ravenna-Munneles Water Supply Corp. from the sale of public water within the corporate limits of the City effective March 1, 1994. The first payment hereunder shall be due and payable on or before July 15, 1994, and shall be based upon Ravenna-Munneles Water Supply Corp. said gross receipts during the preceding four month period ending June 30, 1994 for the rights and privileges granted hereunder during the preceding four-month period ended June 30, 1994. Subsequent payments hereunder shall be due and payable quarterly hereinafter on or before 10th day of each succeeding quarter, October 10, 1994, January 10, 1995, April 10, 1995, July 10, 1995, etc., during the term hereof. Each such payment shall be accompanied with a report showing the gross receipts as aforesaid for the said preceding three-month period upon which the payment is based.

SECTION 7. This Ordinance shall become effective upon Ravenna-Munneles Water Supply Corp. written acceptance hereof, said written acceptance to be filed by Ravenna-Munneles Water Supply Corp. with the City within thirty (30) days after final passage and approval hereof, and the right, privilege and franchise granted hereby shall continue for a term expiring on January 1, 2000.


SECTION 8. This Ordinance shall be cumulative of any and all other permits and franchises by the City to Ravenna-Munneles Water Supply Corp. provided, however, that all ordinances or parts of ordinances that conflict herewith are hereby repealed upon the effective date of this Ordinance.

SECTION 9. It is hereby officially found that the meeting at which this Ordinance is passed is open to the public and that due notice of this meeting was posted, all as required by law.

PASSED AND APPROVED at a regularly called meeting of the Board of Commissioners of Ravenna, Texas, this 8th day of February, 1994.

  
CLAUDE L. LEWIS  
MAYOR

ATTEST:

  
DAVID E. JONES  
CITY SECRETARY