

## ORDINANCE NO. 8A

AN ORDINANCE GRANTING TO RAVENNA-NUNNELEE WATER SUPPLY CORP., A TEXAS CORPORATION, ITS SUCCESSORS AND ASSIGNS. A FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS AND PUBLIC GROUNDS AND WAYS OF THE CITY OF RAVENNA, TEXAS. PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS WATER FRANCHISE ORDINANCES.

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

SECTION 1. That there is hereby granted to Ravenna-Nunnelee 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-Nunnelee 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-Nunnelee Water Supply Corp. shall hold the City harmless from all expense or liability for any act or neglect of the Ravenna-Nunnelee Water Supply Corp. hereunder.

SECTION 4. This franchise is exclusive.

SECTION 5. In consideration of the grant of said right, privilege and franchise by the City and 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 taxes, 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-Nunnelee Water Supply Corp. shall pay to the City quarterly during the term hereof, **a sum equal to five percent (5%) of its gross receipts received by Ravenna-Nunnelee Water Supply Corp. from the sale of public water within the corporate limits of the City effective January 1, 2019. All previous amount due shall be paid on or before January 10<sup>th</sup>, 2019.** The first payment hereunder shall be due and payable on or before **April 10<sup>th</sup>, 2019** and shall be based upon Ravenna-Nunnelee Water Supply Corp. said gross receipts during the preceding three month period ending March 31<sup>st</sup>, 2019 for the rights and privileges granted hereunder during the preceding three month period ended March 31<sup>st</sup>, 2019. Subsequent payments hereunder shall be due and payable quarterly thereafter on or before the 10<sup>th</sup> day of each succeeding quarter; July 10<sup>th</sup>, 2019, October 10<sup>th</sup>, 2019, January 10<sup>th</sup>, 2019, April 10<sup>th</sup>, 2019, 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. Any payment received after the 10<sup>th</sup> day of the following quarter is subject to a penalty not to exceed 10 %.**

SECTION 6. This ordinance shall become effective upon Ravenna-Nunnelee Water Supply Corp. written acceptance hereof. Said written acceptance to be filed by Ravenna-Nunnelee Water Supply Corp. with the City within thirty (30) days after final passage and approved hereof, and the right, privilege and franchise granted hereby shall continue for a term expiring on December 31<sup>st</sup>, 2024.

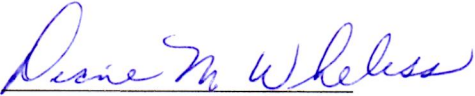
SECTION 7. This ordinance shall be cumulative of any and all other permits and franchises by the City to Ravenna-Nunnelee Water Supply Corp. provided, however, that all ordinances or parts of ordinances that conflict herewith are hereby repealed upon the effective date of this ordinance.

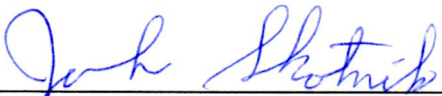
SECTION 8. It is hereby officially found that the meeting at which this Ordinance 8 is passed is open to the public and that due notice of this meeting was posted, all as required by law.

PASSED AND APPROVED at a regularly called meeting of the Board of Commissioners of Ravenna, Texas, this 15th day of January, 2019.

  
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CLAUDE L. LEWIS, . MAYOR

ATTEST:

  
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DIANE M. WHELESS  
CITY SECRETARY

  
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RAVENNA-NUNNELEE WATER SUPPLY CORP.  
President of Board

DAVID STRUCHTEMEYER - BILLING  
903-505-9576