

ORDINANCE NO. 2018-01-23-001

**AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS,
GRANTING HAMILTON COUNTY ELECTRIC COOPERATIVE
ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, AN
ELECTRIC LIGHT, HEAT AND POWER FRANCHISE
PROVIDING FOR A FRANCHISE FEE AND STREET RENTAL
CHARGE AND DECLARING AN EMERGENCY.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEMPNER, TEXAS:

Section 1. Subject to the terms and conditions mentioned in this ordinance, and until January 23, 2023, the right, privilege and franchise is hereby granted to Hamilton County Electric Cooperative Association, a corporation organized under the laws of the State of Texas, and its successors, lessees and assigns (herein called "Grantee"), to erect, establish, construct, maintain and operate an electric power and transmission system in the City of Kempner, Texas (herein called the ("City")), and to use the streets, highways, easements, parks, alleys, public squares and all other public lands and placed of the City within the corporate limits as the same may from time to time exist, for the purpose of erecting maintaining and operating its electric light and power lines, with all necessary or desirable appurtenances, including underground conduits, poles wires, transmission lines and other structures and telephone lines for its own use, for the purpose supplying electricity to said city and its inhabitants and to persons, firms, corporations and institutions beyond the corporate limits thereof for light, heat, power and other purposes.

Section 2. The grantee shall pay to the City of Kempner, Texas, a sum equal to two and one half percent (2.5%) of its gross revenue derived from its operation within the corporate limits of the City of Kempner, Texas, as a franchise fee and street rental charge for Grantee using the city Streets or other public ways in the conduct of its business.

Section 3. The grantee shall erect, maintain, construct, operate and replace their electric light and power lines, and appurtenances, so as to interfere as little as feasible with traffic.

Section 4. The grantee herein, its successors, lessees and assigns shall construct its Electric power and transmissions facilities in a good and workmanlike manner and shall furnish its customers in the City of Kempner, Texas, good, sufficient and prompt service in all respects considering all circumstances. Such service, however, shall be subject to such reasonable rules and regulations as the Grantee may promulgate.

Section 5. The Grantor has determined and hereby finds that the new rate and current regulations now in force and effect in the area are fair and reasonable under existing circumstances.

Section 6. The Grantee agrees to hold and save the City harmless from any and all damages, claims, suits and liabilities arising out of the installation, operation and maintenance of its electric power and transmission system.

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


Section 8. This franchise is personal to the Grantee herein and shall not be transferred or assigned to any other person, firm or corporation without the written consent and approval of the City of Kempner, Texas, expressed by Ordinance.

Section 9. The Grantee shall, within thirty days from the approval of this Ordinance, notify the Mayor of the City of its consent and acceptance of the provisions and conditions of this ordinance, said notice to be by registered mail at P.O. Box 660, Kempner, Texas 76539.

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.

PASSED AND ADOPTED THIS THE 23rd DAY OF January 2018.

CITY OF KEMPNER



Carolyn Crane, Mayor

ATTEST:




Lisa Campanella, City Secretary

ACCEPTANCE

WHEREAS, the City Council of the City of Kempner has heretofore enacted Ordinance No. 2018-01-23-001 granting to Hamilton Electric Cooperative, Inc. a franchise to operate within the City and use the City streets, alleys, rights-of-ways and public places and prescribing certain obligations and duties as set forth in the ordinance which is incorporated herein by reference, to become effective upon acceptance of the understanding in due form.

NOW THEREFORE, for the purpose of complying with the terms of the Ordinance, Hamilton Electric Cooperative, Inc. does hereby execute its written acceptance of all the terms and provision of said Ordinance and accordingly files this instrument with the City Secretary of the City of Kempner.

HAMILTON ELECTRIC COOPERATIVE, INC.

BY: 

ATTEST:



ACCEPTANCE filed in the office of City Secretary of the City of Kempner,

Texas, on this 29th day of January, 2018.