

ORDINANCE NO. 2397

AN ORDINANCE EXTENDING THE TERM OF AN ORDINANCE OF THE CITY COUNCIL OF TERRELL GRANTING A FRANCHISE TO ONCOR ELECTRIC DELIVERY COMPANY, A SUCCESSOR IN INTEREST TO TXU ELECTRIC DELIVERY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Oncor Electric Delivery Company LLC, successor in interest to TXU Electric Delivery, (hereinafter called "Company"), is engaged in the business of providing electric delivery service within the City of Terrell, Texas (hereinafter called "City") and is using the public streets, alleys, grounds and rights-of-ways within the City for that purpose under the terms of a franchise ordinance heretofore duly passed by the governing body of the City, by Ordinance adopted on May 10, 1949, as amended, and duly accepted by Company; and

WHEREAS, the current franchise with the City is scheduled to expire May 1, 2009 and City and Company have initiated actions to enter into a new franchise agreement but have determined that a new agreement may not be finalized prior to the expiration date of May 1, 2009; and

WHEREAS, City and Company reaffirm their intent to negotiate in good faith to develop and approve a new franchise agreement, the City and Company desire to extend said Ordinance until November 1, 2009; and

WHEREAS, the franchise extension provides that unless the City or Company provides written notice to the other not less than sixty (60) days prior to its expiration, the Franchise will automatically be renewed for additional successive terms of six (6) months each; and

WHEREAS, City and Company have started negotiations and agree that the full extension time may not be required and that the existing franchise and this extension ordinance will be superseded on the effective date of the new franchise agreement.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS:

SECTION 1. The term of the franchise ordinance adopted by City on May 10, 1949, as amended, of the City of Terrell, Texas is extended to November 1, 2009; provided that, unless written notice is given by either party hereto to the other not less than sixty (60) days before the expiration of this franchise agreement, it shall be automatically renewed for an additional period of six (6) months from such expiration date and shall be automatically renewed thereafter for like periods until canceled by written notice given not less than sixty (60) days before the expiration of any such renewal period.

SECTION 2. Effective Date

This ordinance shall be in full force and effective from and after its final reading and passage.

~~PASSED AND APPROVED ON THIS THE 3RD DAY OF FEBRUARY, 2009.~~

Deleted: ¶

~~PASSED AND ADOPTED ON THIS THE 17TH DAY OF FEBRUARY, 2009.~~

HAL RICHARDS, MAYOR

ATTEST:

JOHN ROUNSAVALL, CITY SECRETARY

APPROVED AS TO FORM:

MARY GAYLE RAMSEY, CITY ATTORNEY

Deleted: PASSED ON 1st READING

this the ____ day of

_____, 2009.

PASSED AND EFFECTIVE ON 2nd
READING this the ____ day of

_____, 2009.

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Hal Richards, ¶
City of Terrell ¶

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ATTEST: ¶

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John Rounsavall, City Secretary ¶

APPROVED AS TO FORM: ¶

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Mary Gayle Ramsey, City Attorney ¶