

APPENDIX C

FRANCHISES

The following is an enumeration of franchise ordinances enacted by the city:

Date

Subject

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| 9- 4-12 | Granting to the United States of America the privilege of constructing and maintaining a private sewer from the Federal Building site in the City of Marlin, Texas, and providing an emergency. |
| 11-26-35 | An ordinance granting to J. C. Chatmas, his heirs and assigns, a franchise to erect, maintain and operate electric wires, cables, and poles upon, along and across the alley between Live Oak Street and Coleman Street from Railroad Street to Winter Street in the City of Marlin, Texas. |
| 6-25-46 | An ordinance granting to Guy A. Thompson, Trustee, International Great Northern Railroad Company, Debtor, the right, privilege and franchise of constructing, maintaining and operating a certain railroad spur track in and across Fannin Street in the City of Marlin, Texas, and prescribing the terms and conditions of said right, privilege and franchise. |
| 3-11-47 | An ordinance granting to Guy A. Thompson, Trustee, International Great Northern Railroad Company, Debtor, the right, privilege and franchise of constructing, maintaining and operating a certain railroad spur track in and across Falls Street in the City of Marlin, Texas, and prescribing the terms and conditions of said right, privilege and franchise. |
| 8-24-48 | An ordinance granting W. L. Pennington, his heirs and assigns, a franchise to operate Public |

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Transportation Bus Line for the general public in the City of Marlin, Falls County, Texas, and the environs thereof, providing for the payment of a rental charge for the use of said streets, alleys and other public ways, and declaring an emergency.

- 9-26-61 An ordinance whereby the City of Marlin, Texas, and the Southwestern Bell Telephone Company agree that the telephone company shall continue to erect and maintain its poles, wires, anchors, cables, manholes, conduits, and other plant construction and appurtenances along, across, on, over, through, above and under all public streets, avenues, alleys, public grounds and places in said city, under regulations and restrictions and that the city shall receive an annual payment and the right to use certain facilities of the telephone company, all as herein provided.
- 11-14-61 An ordinance granting to Southwestern Electric Service Company, its successors and assigns, a franchise, license right-of-way and privilege to construct, maintain and operate in the City of Marlin, Texas, works or systems or plants to manufacture, use, sell, distribute, serve, supply and furnish said city and its inhabitants and others with electric light, heat and power and to use the streets, alleys, highways and other public grounds of said city for such purposes, for a period of thirty years, prescribing certain terms and conditions therein mentioned, and declaring an emergency.
- 4-14-64 An ordinance by the City of Marlin, Texas, granting to J. L. J. Co., and its successors and assigns, a permit to use the public streets and alleys of the City of Marlin for the purpose of receiving, amplifying and distributing television signals and closed circuit channels and providing for payment for the use of the streets and containing other material provisions as set forth below.

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<i>Date</i>	<i>Subject</i>
2-13-73	An ordinance granting to Lone Star Gas Company, a corporation, its successors and assigns, a franchise to furnish and supply gas to the general public in the City of Marlin, Falls County, Texas, for the transporting, delivery, sale and distribution of gas in, out of, and through said municipality for all purposes; and repealing all previous gas franchise ordinances. (Amended 6-12-73; amended by Ord. No. 81-044, 4-14-81)
12-22-75	An ordinance granting a renewal of a CATV franchise to Marlin T.V. Cable Co., Inc., to operate and maintain a cable television system in the City of Marlin, Texas setting forth the terms and conditions accompanying the grant of the renewal franchise and providing for regulation of the cable television system. (Amended by Ord. No. 79-008, 7-24-79)
8-13-91	An ordinance granting to Southwestern Electric Service Company, its successors and assigns, an electric light, heat and power franchise and repealing all previous ordinances of the City of Marlin, Texas, granting a franchise for such purpose. (Amended by Ord. No. 95-18, 10-19-95)
10- 8-91	An ordinance granting a franchise to Cencom Cable Income Partners II, L.P., successors and assigns, to build, construct, operate and maintain a cable television system in the City of Marlin, Texas, and setting forth conditions accompanying the grant of franchise; providing for the regulation and use of the system; providing for a savings clause; providing for a penalty of not more than two hundred dollars (\$200.00) for violation of certain provisions of this ordinance; providing an open meetings clause; providing a severability clause; providing an adoption clause and providing an effective date.

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Date *Subject*

- 6-13-95 An ordinance whereby the City of Marlin, Texas, and Southwestern Bell Telephone Company agree that, for the purpose of operating its telecommunications business, the telephone company shall maintain and construct its poles, wires, anchors, fiber, cables, manholes, conduits and other physical plant and appurtenances in, along, across, on, over, through, above and under all public streets, avenues, highways, alleys, sidewalks, bridges or public property in said city; prescribing the annual compensation due the city under this ordinance; prescribing the conditions governing the use of public rights-of-way and the performance of certain construction work on public rights-of-way for the telephone company's telecommunications business; providing an indemnity clause; specifying governing laws; providing for a release of all claims under prior ordinances; providing for future contingencies; providing for written acceptance of this ordinance by the telephone company; and providing for a term and an effective date.
- 1-13-98 An ordinance granting to Lone Star Gas Company, a division of Enserch Corporation, a Texas Corporation, its successors and assigns, a franchise to construct, maintain, and operate pipelines and equipment in the city of Marlin, Falls County, Texas, for the transporting, delivery, sale, and distribution of gas in, out of, and through said city for all purposes; 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 gas franchise ordinances.

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

SECTION 1: That the City of Marlin, Texas, hereinafter called "City", hereby grants to Lone Star Gas Company, a Division of ENSERCH CORPORATION, hereinafter called "Company", its

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successors and assigns, consent to use and occupy the present and future streets, alleys, highways, public places, public thoroughfares, and grounds of City, hereinafter referred to as "Public Rights-of-Way," for the purpose of laying, maintaining, constructing, protecting, operating, and replacing therein and thereon pipelines and all other appurtenant equipment to deliver, transport, and distribute gas in, out of, and through City for persons, firms, and corporations, including all the general public, and to sell gas to persons, firms, and corporations, including all the general public, within the City corporate limits, as such limits may be amended from time to time during the term of this ordinance, said consent being granted for a term of twenty (20) years from and after the effective date of this ordinance.

At any time during the term of this franchise, either party may request renegotiation of any term of this franchise. Within a reasonable time following such request, the parties will meet to negotiate in good faith amendments to the franchise.

SECTION 2. Company shall lay, maintain, construct, operate, and replace its pipes, mains, laterals, and other equipment to minimize interference with traffic and shall promptly clean up and restore to approximate original condition all Public Rights-of-Way which it may disturb. When Company makes, or causes to be made, excavations, or places, or causes to be placed, obstructions in any Public Rights-of-Way, Company shall place, erect, and maintain barriers and lights to identify the location of such excavations or obstructions. In determining the location of Company's pipeline within City, Company shall minimize interference with then existing underground structures of City or other utility franchisees. Likewise, in determining the location of the facilities of the City and other utility franchisees within City, City shall minimize interference with then existing facilities of Company and shall require other utility franchisees to minimize interference with existing facilities of Company.

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- | <i>Date</i> | <i>Subject</i> |
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| 11-12-02 | An ordinance amending the existing electric franchise between the city and Oncor Electric Delivery Company, to provide for a different consideration; providing an effective date; providing for acceptance by Oncor Electric Delivery Company; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law. |
| 12-10-02 | An ordinance amending the existing gas franchise between the city and TXU Gas Company, to provide for a different consideration and to authorize the lease of facilities within the city's rights-of-way; providing an effective date; providing for acceptance by TXU Gas Company; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law. |