

**AN ORDINANCE GRANTING TO CENTRAL POWER AND LIGHT
COMPANY, A CORPORATION DULY INCORPORATED UNDER
THE LAWS OF THE STATE OF TEXAS, ITS SUCCESSORS AND
ASSIGNS, AN ELECTRIC LIGHT, HEAT AND POWER FRANCHISE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
PEÑITAS, TEXAS:**

SECTION 1: That there is hereby granted to Central Power and Light Company, its successors and assigns, herein called the "Grantee," the right, privilege and franchise until March, 2023, to construct, maintain and operate in the present and future streets, alleys and public places of the City of Peñitas, Texas, as the limits of said City now exist and as they may hereafter be extended, electric light and power lines, with all necessary or desireable appurtenances (including underground conduits, poles, towers, wires and transmission lines, and telegraph and telephone wires for its own use) for the purpose of supplying electricity to the said City, the inhabitants thereof, and persons and corporations within and beyond the limits thereof, for light, heat, power and other purposes.

SECTION 2: Poles and towers shall be erected so as not to interfere unreasonably with traffic over streets and alleys, and the City may make and impose reasonable requirements fixing the location of poles, towers and conduits, provided that no such requirement shall be unreasonably burdensome upon Grantee or unreasonably interfere with the proper operation of said facilities.

SECTION 3: The service furnished hereunder to said City and its inhabitants shall be first-class in all respects considering all circumstances and shall be subject to such reasonable rules and regulations as the Grantee shall make from time to time. The Grantee may require reasonable security for the payment of its bills and reasonable fees in connection with furnishing said service.

SECTION 4: The Grantee shall hold the City harmless of and from all expense or liability for any act or neglect of the Grantee hereunder.

SECTION 5: For and as full consideration and compensation for this franchise and the rights, privileges and easements granted and conferred thereby and as rental for the use of the streets, alleys and other public areas within or that may hereafter be within said City, the Grantee shall pay said City four percent (4%) of the Grantee's gross receipts from the sale of electric energy in and for use within the corporate limits of the City of Peñitas, Texas, for each month throughout the term herein provided for, with each such payment to be made on the first day of the second succeeding month. If Grantee should agree to pay to any other municipality which it serves a greater percentage than four percent (4%) of its said gross receipts, Grantee will automatically thereafter pay to the City of Peñitas the same percentage of its gross receipts within the City of Peñitas derived from the sale of electric energy.

SECTION 6: This franchise is not exclusive and nothing contained herein shall be construed to prevent the City from granting other like or similar rights and privileges to any other person, firm or corporation.

SECTION 7: This grant is conditioned that the Grantee shall file its written acceptance of this franchise within ninety (90) days after the adoption of this ordinance.

INTRODUCED in written form and read and passed at the first reading at a regular meeting duly and regularly called and held on the 2nd day of March, 1993, by the following vote:

AYES

S. Amis
E. Medina Cardenas
Jose R. Cardenas
Agustino D. Chua
Rabala

NAYES

READ AND PASSED at the second reading at a regular meeting
duly and regularly called and held on the _____ day of _____,
1993, by the following vote:

AYES _____

NAYES _____

READ, PASSED AND ADOPTED at the third reading at a meeting
duly and regularly called and held on the _____ day of _____,
1993, by the following vote, to-wit:

AYES _____

NAYES _____

FINALLY ADOPTED said _____ day of _____, 1993.

Mayor of the City of Peñitas, Texas

Printed Name

ATTEST:

City Secretary

Printed Name

THE STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

I, the undersigned, City Secretary of the City of Peñitas, Texas, hereby CERTIFY that the above and foregoing is a true and correct copy of a franchise ordinance passed, adopted and approved by the City Council of the City of Peñitas, Texas, at a meeting duly and regularly called and held on the 2nd day of March, 1993.

IN TESTIMONY WHEREOF, witness my hand and seal of office, this 2nd day of March, 1993.

Mayor Efrén Garza
City Secretary of the City of
Peñitas, Texas

THE STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

WHEREAS, the City Council of the City of Peñitas, Texas, by ordinance passed, adopted and approved at a meeting of said City Council held on the 2nd day of March, 1993, granted to Central Power and Light Company a franchise in accordance with applicable law to supply electricity to the City of Peñitas, Texas, until 2023; and

WHEREAS, in compliance with the terms of said Franchise Ordinance, Central Power and Light Company desires to file its written acceptance thereof.

NOW, THEREFORE, Central Power and Light Company, a Texas corporation, acting by its duly authorized officers, hereby accepts said Franchise Ordinance and files this, its acceptance thereof, and agrees that it, its successors and assigns, are and shall be entitled to all of the rights, privileges and franchise thereby granted and are and shall be bound by and will comply with all of the duties, liabilities, terms and provisions thereof.

IN WITNESS WHEREOF, said Grantee has caused these presents to be executed by its duly authorized officers and attested by its corporate seal, this the 2nd day of March, 1993.

CENTRAL POWER AND LIGHT COMPANY

By: _____
Name: _____
Title: _____

ATTEST:

Mayor Eren Garza
Secretary

THE STATE OF TEXAS

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COUNTY OF HIDALGO

I, the undersigned, City Secretary of the City of Peñitas, Texas, hereby CERTIFY that the above and foregoing is a full, true and correct copy of an instrument dated the 2nd day of March 1993, accepting the franchise granted in accordance with applicable law by an ordinance of the City Council of the City of Peñitas, Texas, on the 2nd day of March, 1993, filed by Central Power and Light Company with the City of Peñitas, Texas, on the _____ day of _____, 1993, and that such acceptance appears or record and on file in my office.

IN TESTIMONY WHEREOF, witness my hand and seal of the City of Peñitas, Texas, this 2nd day of March, 1993.

Mayor Egon Borge
City Secretary of the City of
Peñitas, Texas