

ORDINANCE NO. 19

AN ORDINANCE GRANTING THE CITY OF DALLAS PERMISSION TO BUILD, MAINTAIN, OPERATE, REPAIR AND RECONSTRUCT WATER LINES AND WATER MAINS IN AND ACROSS ANY PUBLIC STREETS, ROADS OR PUBLIC WAYS IN THE CITY OF ADDISON; AND TO CONSTRUCT AND BUILD A PUMP STATION AND RESERVOIR ON A TRACT OF LAND IN THE CITY OF ADDISON TO BE SELECTED; PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH SUCH INSTALLATIONS MAY BE MADE; PROVIDING FOR THE ACCEPTANCE OF THE TERMS OF THIS GRANT; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Dallas is now in the process of planning an additional transmission supply line from the Elm Fork purification plant located in Carrollton, and in order that the City of Dallas may transport the water to the City of Dallas by means of water mains, which supply line requires a booster pumping station and reservoir along its length which will also be located in the City of Addison, and the said City of Dallas has requested permission to lay, build, construct, install and maintain such line or lines in roads or streets in the City of Addison as required to transport water through Addison to the City of Dallas, and,

WHEREAS, the City of Addison is of the opinion that such permission should be granted, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADDISON:

SECTION 1. That the right, privilege, franchise, authority and easement is hereby granted to the City of Dallas to lay, build, construct, repair, reconstruct and maintain water main or mains, supply line and such distribution lines as may be necessary along, across and in streets, alleys, roads or public ways in the City of Addison to connect such water supply lines to the City, of Dallas' water system. The similar right is also granted to operate and maintain on land to be purchased by the City of Dallas an

underground reservoir and booster pump station required for such transporting of water through the City of Addison to the City of Dallas' water system. The installation contemplated herein will be of a permanent nature and the first stage construction of such may require future enlargement which is herein granted upon coordination of plans of development with the City of Addison and the easement granted herein shall continue so long as the City of Dallas maintains said water lines, pump station and reservoir in any of the locations hereafter selected for such installations. It is understood under this grant that the definite locations of such installations, or any part of them, have at this time not been determined by the City of Dallas as the plan of the improvements or installations has not been finally determined and completed. When the layout for these installations is completed, the City of Dallas will furnish to the City of Addison a complete layout for its information.

SECTION 2. That the City of Dallas agrees to repair and replace all street surfaces, paved or unpaved, which may be cut or excavated by reason of the construction and installation of the water mains or water lines or other appurtenances or facilities to the same conditions in which they existed at the time when any such installations will be made.

SECTION 3. Since it is contemplated that the City of Addison will desire to purchase water from the City of Dallas, and the City of Dallas has expressed its willingness to negotiate with the City of Addison for sale of water to the City of Addison if it has a surplus of water available over and above the needs of the City of Dallas; and further, the City of Addison agrees that any cuts or excavations in the streets, alleys or public ways made necessary by reason of any water connection made for the convenience and benefit of the City of Addison shall be at the expense of the City of Addison.

SECTION 4. That the City of Dallas will construct the water lines or water mains in such a manner so as not to interfere

with any of the present existing underground or surface utilities which the City of Addison may have located in any such locations and if there are any changes necessary to be made, such changes will be made at the expense of the City of Dallas.

SECTION 5. That the City of Dallas shall have the right and privilege to enter upon the streets or alleys or roads of the City of Addison in order to make such installations and thereafter shall have the right to enter upon the same for the purpose of operating, maintaining, repairing and replacing such installations. That in doing any maintenance, repair or reconstruction work, the City of Dallas will be obligated to repair any cuts in the surface of the streets or public ways to as good a condition as the same were at the time of such entry so that the same may be safe for public use and travel.

SECTION 6. That the City of Dallas shall within fifteen (15) days after the passage of this ordinance accept the terms hereof by a resolution and forward same to the City Secretary of the City of Addison as evidence of the acceptance of the terms and conditions of this grant.

SECTION 7. The fact that the City of Dallas desires to expeditiously proceed with its plans and development of the additional supply of water to its inhabitants, and locate such facilities where the same will serve the City of Dallas and at the same time may be available as an additional supply of water to the City of Addison in the event the City of Dallas has surplus water over and above the needs of its inhabitants, creates an urgency and an emergency in the preservation of the public peace, safety and general welfare and requires that this ordinance shall take effect immediately from and after its passage and it is accordingly so ordained.

PASSED AND APPROVED this 11 day of February, 1958.

acting mayor James H. Qualey

ATTEST: Ernest Cooper

APPROVED AS TO FORM:

H. Louis Nichol
Attorney