

ORDINANCE NO. 73

AN ORDINANCE GRANTING THE CITY OF FARMERS BRANCH PERMISSION TO BUILD, MAINTAIN, OPERATE, REPAIR AND RECONSTRUCT A WATER LINE ALONG SPRING VALLEY ROAD IN THE CITY OF ADDISON; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH GRANT; PROVIDING FOR THE ACCEPTANCE OF THE TERMS OF THIS GRANT; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Farmers Branch desires to run a water line along the South side of Spring Valley Road in the City of Addison for the purpose of connecting said water main to areas located in the City of Farmers Branch, in order that the City of Farmers Branch may transport the water between various areas within the City of Farmers Branch by means of a water main, which water main will be located on the South side of Spring Valley Road in the City of Addison, and the said City of Farmers Branch has requested permission to lay, build, construct, install and maintain such a line within the right-of-way of Spring Valley Road in the City of Addison; 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, TEXAS:

SECTION 1. That the right, privilege, franchise, authority and easement is hereby granted to the City of Farmers Branch to lay, build, construct, repair, reconstruct and maintain the water main along and within the right of way of Spring Valley Road in the City of Addison between Dooley Road and Marsh Lane, said water main to be located within the right-of-way of Spring Valley Road and to be located on the South side of said right-of-way in the location to be designated by the City of Addison. The installation contemplated herein will be of a permanent nature and the easement granted herein shall continue so long as the City

of Farmers Branch maintains said water line within the right-of-way of said Spring Valley Road.

SECTION 2. It is understood under this agreement that the definite location of such water line has not been determined by the City of Farmers Branch, but that prior to the installation of said water line the plans for said water line will be submitted to the City of Addison for its approval.

SECTION 3. That the City of Farmers Branch agrees to repair and replace all street surfaces, paved or unpaved, which may be cut or excavated by reason of the construction, installation, repair and maintenance of said water main, to the same conditions in which they existed at the time when any such installation will be made.

SECTION 4. That the City of Farmers Branch will construct a water line or water main in such 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 Farmers Branch.

SECTION 5. That the City of Farmers Branch shall have the right and privilege to enter upon the right-of-way of Spring Valley Road between Marsh Lane and Dooley Road 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 water main or water line. That in doing any maintenance, repair, construction or reconstruction work, the City of Farmers Branch 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 Farmers Branch agrees to hold the City of Addison harmless from any and all claims which

may be asserted against the City of Addison growing out of the installation, construction, operation, maintenance or repair of said water line by the City of Farmers Branch within the City of Addison.

SECTION 7. That the City of Farmers Branch shall have fifteen (15) days after the passage of this ordinance to accept the terms hereof by resolution adopted by the City Council of the City of Farmers Branch and forwarding the same to the City Secretary of the City of Addison as evidence of the acceptance of the terms and conditions of this grant.

SECTION 8. The fact that the City of Farmers Branch desires to expeditiously proceed with plans for the construction of a water line along the South side of Spring Valley Road within the City of Addison in order to furnish water to inhabitants of the City of Farmers Branch creates an urgency and an emergency in the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

ADOPTED by the City Council of the City of Addison on the 8<sup>th</sup> day of March, 1966.

APPROVED:

M W Morris  
MAYOR

ATTEST:

Edwin B Lewis  
CITY SECRETARY

APPROVED AS TO FORM:

A Louis Nichol  
CITY ATTORNEY