

ORDINANCE NO. 79

AN ORDINANCE GRANTING TO THE CITY OF FARMERS BRANCH PERMISSION TO BUILD, MAINTAIN, OPERATE, REPAIR AND RECONSTRUCT A WATER LINE ALONG A PORTION OF BELT LINE ROAD AND MARSH LANE 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 a portion of Belt Line Road and Marsh Lane 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 water between various areas within the City of Farmers Branch from a water main of the City of Dallas, 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 Belt Line Road and Marsh Lane 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 a water main along and within the right-of-way of Belt Line Road and Marsh Lane in the City of Addison, the centerline of said water main to be located as follows:

Beginning at a point in the south line of the Cottonbelt R.R. right of way and 9 feet west of the east right of way line of Marsh Lane north of Belt Line Road;

THENCE in a southerly direction 9 feet west of and parallel to the east right of way line of Marsh Lane to a point in Belt Line Road, 15 feet north of its south right of way line;

THENCE in a westerly direction 15 feet north of and parallel to the south right of way line of Belt Line Road to a point

opposite Marsh Lane south of Belt Line Road, said point being 43.5 feet west of the centerline of Marsh Lane south of Belt Line Road and the end of the herein described centerline.

SECTION 2. That 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 above described of said Belt Line Road and Marsh Lane.

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 such installation will be made.

SECTION 4. That the City of Farmers Branch will construct the water line or water main in such manner so as to not interfere with any of the presently 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 Belt Line Road and Marsh Lane, as above described, 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 main along Marsh Lane and a portion of Belt Line Road within the City of Addison in order to provide additional water facilities 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 25 day of July, 1967.

APPROVED:

M W Morris  
MAYOR

DULY RECORDED:

Edwin B Lewis  
CITY SECRETARY

APPROVED AS TO FORM:

H. L. ...  
CITY ATTORNEY