

ORDINANCE NO. 26

AN ORDINANCE AUTHORIZING THE GOSNELL WATER ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN THE CITY OF GOSNELL, ARKANSAS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GOSNELL, ARKANSAS, AS FOLLOWS:

SECTION 1. There is hereby granted to the Gosnell Water Association, its successors and assigns, hereinafter referred to as "Grantee", the right, privileges and authority to construct, maintain and operate within the corporate limits, as the same now exists or may hereafter be extended, of the City of Gosnell, Arkansas, hereinafter referred to as "Municipality", a water distribution system, in, along, over, under and across the streets, avenues, alleys and public places in said Municipality for the transmission, distribution and sale of water, together with the right, privilege and authority to erect, construct, maintain and operate all necessary water mains, pipes, conduits, feeders and other apparatus in, along, over, under and across said streets, avenues, alleys and public places for such purposes.

SECTION 2. All mains, pipes and other equipment placed or installed under this Ordinance shall be so placed, whether in streets, alleys, avenues or other public places, as not to interfere unnecessarily with travel on such streets, alleys, avenues and other public places. All mains, pipes and other equipment placed or installed under this Ordinance shall be so located as not to interfere unnecessarily with any gas lines, conduits, sewers, drains or other like public improvements of the municipality. If the Grantee, in the installation of any of its mains, pipes, and equipment, finds it necessary to cut through pavement or otherwise alter the surface of any street, alley, avenue or public place, it shall promptly repair and replace the same in good and workmanlike manner.

SECTION 3. All mains, pipes and other equipment hereafter placed or installed by Grantee under this Ordinance shall, insofar as practicable, be installed in alleys and side streets under the direction of the official or officials of said municipality having charge of the supervision thereof; and the Grantee shall, in constructing, maintaining and operating mains, pipes, feeders, and other equipment, save and keep harmless the said municipality from any loss or damage to life or property occasioned by reason thereof.

SECTION 4. The rates to be charged for service furnished hereunder shall be the lawful rates fixed or approved from time to time by the Water Association and approved by Farmers Home

Administration or any regulatory body that might have authority in establishing such rates.

SECTION 5. All provisions of this Ordinance which are obligatory upon and which inure to the benefit of said Grantee shall also be obligatory upon and shall inure to the benefit of Grantee's successors and assigns, and the word "Grantee" whenever used in this Ordinance shall mean and include not only the Gosnell Water Association but also its successors and assigns.

SECTION 6. As additional consideration of the rights and privileges granted by Ordinance No. 26, giving a franchise to Gosnell Water Association, and in lieu of any special license tax, occupational tax or any other charge or fee now or hereafter authorized by law (other than any general or special ad valorem taxes authorized by law), the Grantee shall be obligated to cooperate with the Municipality in the operation of its sewer system, agreeing to disconnect or discontinue water service upon nonpayment of sewer charges as may be directed by the Municipality.

SECTION 7. No right, privilege or authority given or granted this Ordinance shall become effective until there shall have been filed with the Recorder of said Municipality the written acceptance of said Ordinance by the Gosnell Water Association. Such acceptance shall be so filed within thirty (30) days from the passage of this Ordinance and when so filed, shall, together with operation by the Grantee, or its successors or assigns, under the terms of said Ordinance, constitute full consideration for the rights, privileges and authority hereby granted.

SECTION 8. All previous Ordinances or parts of Ordinances which might conflict herewith are hereby repealed and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 8th day of January, 1974.

Andy S. Bevil  
Mayor

APPROVED this 8th day of January, 1974.

Andy S. Bevil  
Mayor

EST:

Walter C. Maxwell  
Recorder