

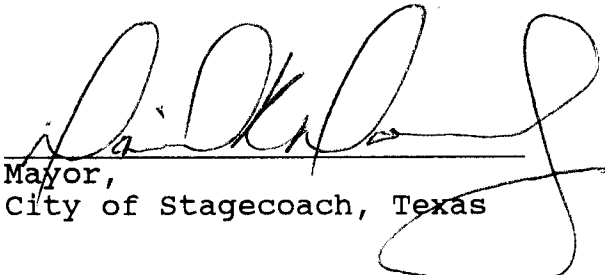
ORDINANCE NO. 214

AN ORDINANCE WHEREBY THE CITY OF STAGECOACH, TEXAS, AND SOUTHWESTERN BELL TELEPHONE COMPANY AGREE THAT, FOR THE PURPOSE OF OPERATING ITS TELECOMMUNICATIONS BUSINESS, THE TELEPHONE COMPANY SHALL MAINTAIN AND CONSTRUCT ITS POLES, WIRES, ANCHORS, FIBER, CABLES, MANHOLES, CONDUITS AND OTHER PHYSICAL PLANT AND APPURTENANCES IN, ALONG, ACROSS, ON, OVER, THROUGH, ABOVE AND UNDER ALL PUBLIC STREETS, AVENUES, HIGHWAYS, ALLEYS, SIDEWALKS, BRIDGES OR PUBLIC PROPERTY IN SAID CITY; PRESCRIBING THE ANNUAL COMPENSATION DUE THE CITY UNDER THIS ORDINANCE; PRESCRIBING THE CONDITIONS GOVERNING THE USE OF PUBLIC RIGHTS-OF-WAY AND THE PERFORMANCE OF CERTAIN CONSTRUCTION WORK ON PUBLIC RIGHTS-OF-WAY FOR THE TELEPHONE COMPANY'S TELECOMMUNICATIONS BUSINESS; PROVIDING AN INDEMNITY CLAUSE; SPECIFYING GOVERNING LAWS; PROVIDING FOR A RELEASE OF ALL CLAIMS UNDER PRIOR ORDINANCES; PROVIDING FOR FUTURE CONTINGENCIES; PROVIDING FOR WRITTEN ACCEPTANCE OF THIS ORDINANCE BY THE TELEPHONE COMPANY; AND PROVIDING FOR A TERM AND AN EFFECTIVE DATE.

WHEREAS, Southwestern Bell Telephone Company (hereinafter referred to as the "TELEPHONE COMPANY") is now and has been engaged in the telecommunications business in the State of Texas and in furtherance thereof, has erected and maintained certain items of its physical plant in the City of Stagecoach, Texas (hereinafter referred to as the "CITY") for many years pursuant to such rights as have been granted it by and under the laws of the State of Texas, and subject to the reasonable exercise of the police powers granted by and under said laws to the CITY; and


and after the final passage of this Ordinance to file its written acceptance of this Ordinance with the CITY Secretary. This Ordinance shall become effective beginning the first day of the quarter not less than thirty (30) days after its final passage by the CITY.

Passed and approved following the _____ reading hereof this 17th day of August, A.D., 1992.




Mayor,
City of Stagecoach, Texas

ATTEST:



City Secretary

I, _____, City Secretary of the City of Stagecoach, Texas, do hereby certify that the foregoing is a true and correct copy of Ordinance Number 214, finally passed and approved by the Board of Aldermen of Stagecoach, Texas, following the _____ reading thereof at a regular meeting held on the 17th day of Aug, 1992.



City Secretary

ORDINANCE NO. 267

AN ORDINANCE WHEREBY THE CITY OF STAGECOACH, TEXAS, AND SOUTHWESTERN BELL TELEPHONE COMPANY AGREE TO AMEND ORDINANCE NO. 214 TO PROVIDE FOR A LONGER TERM AND TO ADD TERMINATION AND OTHER PROVISIONS AS A RESULT OF THE CHANGES MADE BY THE PUBLIC UTILITY REGULATORY ACT OF 1995, 74TH LEG., R.S. CH, 231, TEX. SESS. LAW SERV. 2017 (VERNON) (TO BE CODIFIED AS TEX. REV. CIV. STAT. ANN. ART. 1446C-0).

WHEREAS, the City of Stagecoach, hereinafter referred to as the "CITY", adopted and approved Ordinance No. 214 on August 17, 1992, which was accepted by Southwestern Bell Telephone Company, hereinafter referred to as the "TELEPHONE COMPANY" on September 16, 1992; and

WHEREAS, TELEPHONE COMPANY and the CITY desire to extend the term of Ordinance No. 214 as provided in this Ordinance; and

WHEREAS, it is to the mutual advantage of both the CITY and the TELEPHONE COMPANY that the term of Ordinance No. 214 be extended; and

WHEREAS, it is recognized by the parties that provisions set forth in Ordinance No. 214 may create legal issues with respect to the CITY's compliance with Section 3.2555 of the Public Utility Regulatory Act of 1995 effective September 1, 1995, hereinafter referred to as the "Revised PURA"; the parties agree and intend that this amendment to Ordinance No. 214 constitutes an interim arrangement to accommodate the needs of the parties, pending clarification of the interpretation and application of the Revised PURA.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF STAGECOACH, TEXAS, THAT:

Section 1. Section 4 of Ordinance No. 214 entitled **TERM** is hereby amended to read as follows:

This ordinance shall be in force and in effect from October 1, 1997, through September 30, 1998, unless earlier terminated pursuant to Section 16, provided that at the expiration of this initial period, such term shall be automatically extended for successive periods of one (1) year, unless written notice of intent to terminate this agreement is given by either party not less than ninety (90) days prior to the termination of the then current period. When such notice is given this agreement shall terminate at the expiration of the then current period.

Section 2. Section 16 of Ordinance No. 214 entitled **FUTURE CONTINGENCY** is hereby amended to add the designation "(a)" before the existing paragraph of that Section and to add paragraphs (b), (c) and (d) as set forth below:

(b) Both parties agree that the extension of this Ordinance is an interim arrangement and is not intended to be used, and will not be cited or referred to by either party, as evidence of what is in compliance with the requirements of Section 3.2555 of the Revised PURA. TELEPHONE COMPANY and CITY both hereby reserve all arguments and/or positions as to the appropriate interpretation and application required by the Revised PURA.

(c) The CITY agrees to provide written notice to the TELEPHONE COMPANY of an original application or an agreement thereto, for a consent, franchise or permit with the CITY for use of the RIGHTS-OF-WAY in the CITY for the provision of any telecommunications service within ten (10) days from receipt of such application.

(d) Further, notwithstanding anything contained in this Ordinance to the contrary, both CITY and TELEPHONE COMPANY agree that either CITY or TELEPHONE COMPANY may terminate this Ordinance upon a minimum of thirty (30) days notice to the other party on or after the date that (1) any entity applies for an original of, or an amendment to, a consent, franchise or permit with the CITY for use of the RIGHTS-OF-WAY in the CITY for the provision of any telecommunications service; or (2) any entity with an existing consent, franchise, or permit for use of the RIGHTS-OF-WAY in the CITY files an application with the Public Utility Commission of Texas for a certificate of operating authority or a service provider certificate of operating authority which includes any geographic area which is wholly or partially within the corporate limits of the CITY.

Section 3. The TELEPHONE COMPANY shall have thirty (30) days from and after the passage and approval of this Ordinance to file its written acceptance hereof with the City Secretary, and upon such acceptance being filed, this Ordinance shall take effect and be in force as of October 1, 1997.

Passed and approved hereof this 15th day of July, A.D., 1997.



Mayor, PRO-TEM
City of Stagecoach, Texas

ATTEST:

Benita Stanford
City Secretary

I, Benita L. Stanford, City Secretary
of the City of Stagecoach, Texas, do hereby certify that the
foregoing is a true and correct copy of Ordinance Number
267, finally passed and approved by the Board of
Aldermen of Stagecoach, Texas, at a regular meeting held on the
15th day of July, 1997.

Benita Stanford
City Secretary

ACCEPTANCE

WHEREAS, the City of Stagecoach, Texas did on the 15th day of July, 1997, enact Ordinance Number 267 entitled:

AN ORDINANCE WHEREBY THE CITY OF STAGECOACH, TEXAS, AND SOUTHWESTERN BELL TELEPHONE COMPANY AGREE TO AMEND ORDINANCE NO. 214 TO PROVIDE FOR A LONGER TERM AND TO ADD TERMINATION AND OTHER PROVISIONS AS A RESULT OF THE CHANGES MADE BY THE PUBLIC UTILITY REGULATORY ACT OF 1995, 74TH LEG., R.S. CH, 231, TEX. SESS. LAW SERV. 2017 (VERNON) (TO BE CODIFIED AS TEX. REV. CIV. STAT. ANN. ART. 1446C-O).

and WHEREAS, said Ordinance was on the 15th day of July, 1997, duly approved by the Mayor of said City and the Seal of said City was thereto affixed and attested by the City Secretary:

NOW, THEREFORE, in compliance with the terms of said Ordinance as enacted, approved and attested, the Southwestern Bell Telephone Company hereby accepts said Ordinance and files this its written acceptance with the City Secretary of the City of Stagecoach, Texas in her Office.

Dated this 7th day of August, 1997.

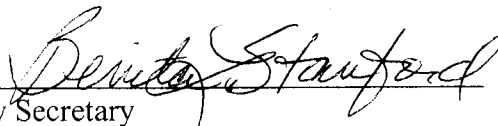
SOUTHWESTERN BELL TELEPHONE
COMPANY



President-Texas



Acceptance filed in the office of the City Secretary of the City of Stagecoach, Texas this 21st day of August, 1997.


City Secretary