

ORDINANCE NO. 5

AN ORDINANCE WHEREBY WHITE RIVER WATER ASSOCIATION, AN ARKANSAS CORPORATION, AND THE INCORPORATED TOWN OF BETHEL HEIGHTS, A MUNICIPAL CORPORATION, AGREE THAT WHITE RIVER WATER ASSOCIATION SHALL OPERATE ITS WATER DISTRIBUTION SYSTEM WITHIN THE CORPORATE LIMITS OF THE INCORPORATED TOWN OF BETHEL HEIGHTS, ARKANSAS, AS SAID CORPORATE LIMITS ARE NOW LOCATED, OR AS HEREAFTER MAY BE LOCATED, TOGETHER WITH ALL BUSINESS INCIDENTAL TO, OR CONNECTED WITH SAID SYSTEM, INCLUDING THE ERECTION AND MAINTENANCE OF ITS PLANT AND THE CONSTRUCTION AND MAINTENANCE OF ITS LINES AND APPURTENANCES THERETO ALONG, ACROSS, OVER, THROUGH, ABOVE AND UNDER THE PUBLIC STREETS, AVENUES, ALLEYS, PUBLIC GROUNDS AND PLACES WITHIN SAID OPERATING AREAS WITHIN SAID CORPORATE LIMITS AS SAME ARE NOW LOCATED; AND FOR OTHER PURPOSES,

WHEREAS, the Incorporated Town of Bethel Heights, Arkansas, desires to procure chemically treated water suitable for household consumption and for industrial and agricultural uses, and for citizens of said Incorporated Town, and

WHEREAS, White River Water Association operates a full water distribution system, and desires to furnish water to and provide water services to the Incorporated Town of Bethel Heights, Arkansas.

NOW THEREFORE, be it ordained by the Town Council of the Town of Bethel Heights, Arkansas:

SECTION 1: That the White River Water Association, its successors and assigns, shall install and operate its water distribution system and all business incidental to or connected with the conducting of the business of said system engaged in the sale of chemically treated water within the corporate limits of the Incorporated Town of Bethel Heights, Arkansas, to the citizens therein, The construction and maintenance of the plant, lines and appurtenances used in or incidental to the supplying of water, and water services, shall be by said water Association at said water Association's expense, and shall be so constructed and maintained subject to such changes as may be considered necessary by the Incorporated Town of Bethel Heights, Arkansas, in the exercise of its inherent power, and by White River Water Association in the conduct of its business. The said White River Water Association shall exercise its right and is hereby granted such easements and rights of way as may be necessary and proper to place, remove, construct, and reconstruct, extend and maintain the said plant, lines and

appurtenances thereto, along, across, over, on, through, above and under all public streets, alleys, avenues, and public grounds and places within the corporate limits of the Town of Bethel Heights, Arkansas, as said corporate limits are now located or as may hereinafter be located.

SECTION 2: This franchise shall take effect and continue and remain in force perpetually as provided in Section 44 of "Public Utilities Act of 1935," Acts of the State of Arkansas, as same may be amended from time to time, and upon the written acceptance by the grantee of the terms and conditions of this franchise.

SECTION 3: The Town of Bethel Heights, Arkansas, retains the option to purchase the water distribution system within its corporate limits, including such plant, lines and appurtenances thereto as may be situated within its corporate limits at the end of any calendar year upon 90 days prior notice to said water association at a purchase price to be determined by the parties hereto. In the event that said Municipality purchases said water distribution system within its corporate limits, said Water Association shall provide, and said Municipality shall purchase from said Water Association, water upon a master meter at a rate to be determined between the parties.

SECTION 4: Said Water Association is hereby authorized to make all necessary excavations within the Corporate limits of said Municipality, but shall restore all excavations to their original conditions, and shall do so with reasonable dispatch and with the least practical interference with or inconvenience to the rights of the public and individuals.

SECTION 5: Water shall be provided to said Municipality and to the citizens of said Municipality and to the industries and agricultural users of said Municipality at such rates as may be established and promulgated by said Association, but shall be consistent with rates for all other municipalities.

SECTION 6: Meters shall be furnished by said Water Association and shall be installed at property line of consumer's upon payment of an installation fee to be established by said Water Association but consistent with fees charged to the citizens of other municipalities. Expenses of distributing water from

meters to places of consumption shall be the sole expense of consumers.

SECTION 7: An emergency having been declared and established, this Ordinance shall take effect and be in force from and after its passage, approval and publication.

Dated this the 17th day of JANUARY, 1972.

APPROVED:

Bernard C. Morpheu
MAYOR

ATTEST:

Wiley M. Donald
CLERK