

AN ORDINANCE GRANTING TO THE RED RIVER VALLEY RURAL ELECTRIC ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE A SYSTEM OF POLES, WIRES, CONDUITS AND OTHER FIXTURES IN, UPON, ACROSS, AND UNDER AND OVER THE STREETS, ALLEYS, PUBLIC GROUNDS AND OTHER PLACES IN THE CITY OF MARIETTA, LOVE COUNTY, OKLAHOMA, FOR THE PURPOSE OF TRANSMITTING, DISTRIBUTING AND SELLING ELECTRICITY FOR ALL PURPOSES FOR WHICH IT MAY BE USED, TO THE CITY AND THE PUBLIC GENERALLY, FOR A PERIOD OF TWENTY-FIVE (25) YEARS; PROVIDING A METHOD BY WHICH THIS FRANCHISE MAY BE TERMINATED; PROVIDING COMPENSATION TO THE CITY: AND ORDERING AN ELECTION.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARIETTA, OKLAHOMA:

SECTION 1. The word “City” as hereinafter used shall mean and designate the City of Marietta, Love County, Oklahoma, and the word “Association” as hereinafter used shall mean and designate the Red River Valley Rural Electric Association, a corporation organized and existing under and by virtue of the laws of the State of Oklahoma and its successors and assigns. The word “Property” as hereinafter used shall mean and designate all rights, and contracts, of whatsoever kind, and all poles, wires, cables and other appliances, appurtenances and fixtures owned by the Association and located within the corporate limits of the City.

SECTION 2. There is hereby granted to the Association, the right, privilege and authority to construct, maintain and operate a system of poles, wires, conduits and other fixtures in, upon, across and under and over the streets, alleys, public grounds and other places in said City for the purpose of transmitting, distributing and selling electricity for all purposes for which it may be used, to the City, and the public generally.

The franchise hereby granted shall be effective from and after the date of the approval of this Ordinance by the qualified electors of the City and shall remain in full force and effect for a period of twenty-five (25) years unless terminated sooner as hereinafter provided. The rights granted herein shall not be exclusive.

SECTION 3. The Association shall construct and maintain its property in such a manner as not to obstruct nor impede traffic, unduly.

SECTION 4. The Association shall defend and indemnify the City against all lawful claims for injury to any person or property caused by the negligence of the Association in the construction or operation of its property.

SECTION 5. The rate or rates charged the City, and the public generally shall be compensatory and reasonable.

SECTION 6. The Association shall have the right to assign this franchise and the assignee by written acceptance thereof shall be bound thereby. An authenticated copy of the assignment shall be filed with the City Clerk.

SECTION 7. This Ordinance shall never be construed as waiving any rights of the City to acquire electric power from any governmental hydro-electric plant or to build its own plant.

SECTION 8. This Association shall pay to the City three percent (3%) of its gross receipts arising from the sale of electricity within the City limits, such payment to be made on or before the 20th day of July of each year after deducting therefrom any amount due to the Association from the City.

SECTION 9. The City reserves the right to terminate this franchise by the purchase of the Association's property as hereinafter provided. The purchase price shall exclude all value of this franchise. The City shall give the Association twelve (12) months' notice in writing of its intention to purchase the Association's property and terminate this franchise. The notice shall demand an appraisal of the property, which will be made by three engineers of well-known ability, none of whom shall have been within one year previous an employee, officer or stockholder of the Association nor shall have been within one year previous a resident, taxpayer, or employee of the City. Upon receipt by the Association of the notice, it shall acknowledge receipt of same and thereafter the City shall designate one engineer of the proper qualification and communicate his name to the Association which shall appoint one engineer of the proper qualifications and communicate.

SECTION 10. A special election is hereby called for the purpose of submitting this Ordinance to the qualified electors of the City for their approval or disapproval. The election shall be held on the 8th day of February 2022, between the hours of 7:00 a.m. and 7:00 p.m.

The Mayor is authorized and directed to issue an election proclamation calling such election and directed to take all steps that may be necessary for holding the election and for the submission of this Ordinance to the qualified electors of the City. If the qualified electors of the City fail to approve this franchise at said election, no rights shall accrue hereunder.

SECTION 11. In case the franchise hereby granted is approved at said election, the Association shall file with the City Clerk, in writing, its acceptance of this Ordinance. The acceptance shall be filed within thirty (30) days from and after this Ordinance has been approved by the electors.

PASSED by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 12th day of October 2021.

CITY OF MARIETTA

ATTEST:


DOTTIE GWIN, CITY CLERK



BY:


KIMBERLY FRAIRE, MAYOR

SPECIAL ELECTION PROCLAMATION AND NOTICE

Under and by virtue of Section 5(a), Article XVIII, of the Oklahoma Constitution, Title 11 Oklahoma Statutes, Section 16-101, and the City of Marietta Ordinance 2021-03 dated the 12th day of October, 2021, authorizing the calling of an election on the proposition hereinafter set forth, I, the undersigned Mayor of the City of Marietta, Oklahoma, call a special election and give notice to be held in the City of Marietta, Oklahoma, on the 8th day of February, 2022, for the purpose of submitting to the registered, qualified voters in the City, the following proposition:

PROPOSITION

An ordinance granting to the Red River Valley Rural Electric Association, its successors and assigns, the right to construct, maintain and operate a system of poles, wires, conduits and other fixtures in, upon, across, and under and over the streets, alleys, public grounds and other places in the City of Marietta, Love County, Oklahoma, for the purpose of transmitting, distributing and selling electricity for all purposes for which it may be used, to the city and the public generally, for a period of twenty-five (25) years; providing a method by which this franchise may be terminated; providing compensation to the city; and ordering an election.

Shall the proposed ordinance be approved?

FOR THE PROPOSITION – YES

AGAINST THE PROPOSITION – NO

That only the registered qualified voters of the City of Marietta, Oklahoma, may vote upon the proposition as above set forth.

The polls must be opened at seven o'clock (7:00) A.M. and kept open continuously until seven o'clock (7:00) P.M.

Those precinct officers designated by the Love County Election Board, which officers will also act as counters and certify the results as required by law, will conduct the election.

The number and location of the polling places for the election will be the same as prescribed the County Election Board for state and county elections and will include all precincts totally or partially contained within the limits of the City of Marietta.

Dated this 14th day of OCTOBER, 2021.



KIMBERLY FRAIRE, MAYOR

ATTEST:

Dottie Gwin
DOTTIE GWIN, CITY CLERK

