

ORDINANCE NO. 31

AN ORDINANCE PROVIDING FOR THE APPROVAL OF THE AGREEMENT DATED 2-13-73 BETWEEN THE STATE OF TEXAS AND THE CITY OF MAGNOLIA, FOR THE INSTALLATION, CONSTRUCTION, EXISTENCE, USE, OPERATION, AND MAINTENANCE OF HIGHWAY SIGNAL PROJECT(S) AT THE LOCATION(S) SHOWN ON EXHIBIT 1, ATTACHED HERETO AND MADE A PART HEREOF, IN THE CITY OF MAGNOLIA; PROVIDING FOR THE EXECUTION OF SAID AGREEMENT; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA:

SECTION 1. That the certain agreement dated 2-13-73 between the State of Texas and the City of Magnolia, for the installation, construction, existence, use, operation, and maintenance of certain highway traffic signal(s) at the location(s) shown on EXHIBIT 1, attached hereto and made a part hereof, in the City of Magnolia, be and the same is hereby approved, and passed is hereby authorized to execute said agreement on behalf of the City of Magnolia, and to transmit the same to the State of Texas for appropriate action.

SECTION 2. The fact that the improvements contemplated under the above mentioned agreement are needed, creates an emergency which for the immediate preservation of the public peace, health, safety, and general welfare requires that this Ordinance take effect immediately from and after its passage, and it is accordingly so ordained.

PASSED: 2-13-73

APPROVED: 2-13-73

ATTEST:

S. L. B. [Signature]
Mayor

[Signature]
Secretary
City Clerk

APPROVED AS TO FORM:

[Signature]
City Attorney

STATE OF TEXAS X

COUNTY OF TRAVIS X

This AGREEMENT, made this 13 day of February, 1973,
by and between the State of Texas, hereinafter called the "State", Party of the
First Part; and the City of Nagolia, Montgomery County,
Texas, acting by and through its duly authorized officers under an Ordinance
Resolution
passed the 13 day of February, 1973, hereinafter called the
"City", Party of the Second Part:

W I T N E S S E T H :

WHEREAS, the City has authorized the installation, operation, and
maintenance of highway traffic signal(s) by Ordinance
Resolution passed on the 13
day of February, 1973, at the location(s) shown on EXHIBIT 1, attached
hereto and made a part hereof, in the City:

A G R E E M E N T :

NOW, therefore, in consideration of the premises and of the mutual
covenants and agreements of the parties hereto to be by them respectively kept
and performed, as hereinafter set forth, it is agreed as follows:

1. The State will furnish the necessary funds for the actual con-
struction, prepare plans and specifications, install said highway traffic signal(s),
supervise construction, and upon completion of construction, will operate and
maintain said highway traffic signal(s).

AGREEMENT (TRAFFIC SIGNAL - TYPE 1A)

1-70-764, D-18T
File 18.126-1

2. The State will reimburse the City for the cost of the electrical energy used in operating the highway traffic signal(s) as measured by means of a meter installed to serve the highway traffic signal(s), or as determined by some method other than a meter which is mutually acceptable to all parties concerned.

The State's payment for the electrical energy shall be based on the minimum unit rate charged the City under the City's contract with the power agency supplying electrical energy to the City. In the event the electrical energy is supplied through a municipally owned electrical power generation system, the State's payment for the electrical energy shall be based on the minimum unit rate appearing in the City's commercial rate structure.

The City will forward the State two copies of its existing contract with the power agency for electrical energy, and thereafter as the existing or governing control is terminated and new contracts are executed.

All requests for payment for electrical energy shall be properly certified and submitted by the City to the District Engineer of the State Highway Department at P.O. Box 34458, Houston, ⁷⁷⁰³⁴ Texas. Such requests for payment shall be in accordance with forms prescribed by the State and shall be submitted at not less than monthly intervals. The City will maintain a system of records necessary to support and establish the eligibility of all claims for payment under the terms of this contract. When requested by the State the City will permit and assist in an audit by an auditor of the State Highway Department of this record or any other records of the City which pertain to the costs of electrical energy as covered by the terms of this agreement.

3. The City hereby consents to the construction of the highway traffic signal(s) shown on EXHIBIT 1 by the approval of the location and manner of construction as shown on plans and described in specifications attached hereto, marked EXHIBIT 2, and made a part hereof.

4. The City will exercise no control whatsoever over the operation, maintenance, use, or existence of the highway traffic signal(s) without written authority from the State Highway Engineer.

5. The State shall have the authority to make such changes in the design and operation of the highway traffic signal(s) as it may deem necessary and advisable to promote the safe, convenient, and orderly movement of traffic.

6. The City will be responsible for the police enforcement required for securing obedience to the highway traffic signal(s).

7. In the event the terms of this Agreement are in conflict with the provisions of any other existing Agreements and/or Contracts between the City and the State, this Agreement shall take precedence over the other Agreements and/or Contracts.

AGREEMENT (TRAFFIC SIGNAL - TYPE 1A)

1-70-764, D-18T
File 18.126-3

IN TESTIMONY WHEREOF, the parties hereto have caused these presents to be executed in triplicate on the day above stated.

ATTEST:

Op Anne Presley
Secretary for City

By *LL B. [Signature]* _____
Mayor Date

THE STATE OF TEXAS

Certified as being executed for the purpose and effect of activating and/or carrying out the orders, established policies, or work programs heretofore approved and authorized by the State Highway Commission:

By _____
Chief Engineer of Maintenance Operations Date

APPROVED AS TO FORM:

David Applewhite
General Attorneys for the City

RECOMMENDED FOR APPROVAL:

District Engineer Date

Assistant Attorney General

Engineer of Traffic Date

AGREEMENT (TRAFFIC SIGNAL - TYPE 1A)

1-70-764, D-18T
File 18.126-4

EXHIBIT 1

LOCATION(S)

RM 1400 at RM 1774 (North and South Intersections)

RM 1774 at First Street

STATE OF TEXAS

COUNTY OF Montgomery

I, Op Anne Presley, the duly
appointed, qualified and acting city secretary of the City of Magnolia,

Texas, hereby certify that the foregoing pages constitute a true and correct copy of an
ordinance resolution duly passed by the City Council at a meeting held on February 13,

A. D., 19 73, at 8.00 o'clock P. M.

To certify which, witness my hand and seal of the City of Magnolia

Texas, this 13 day of February, 19 73, at
Magnolia, Texas.

Op Anne Presley
City Secretary of the City of
Magnolia, Texas

AFFIDAVIT OF PUBLICATION

BEFORE ME, the undersigned authority, on this
day personally appeared WILLIS WEBB, who on
his oath stated:

I am the EDITOR of the DAILY COURIER
a newspaper published in Montgomery County, Texas,

LEGAL:

ORDINANCE NO. 30

"AN ORDINANCE DE-
FINING, REGULATING
AND PROHIBITING
SOLICITERS, PEDDLERS,
ITINERANT MERCHANTS,
ITINERANT VENDORS,
AND DISTRIBUTORS OF
HANDBILLS FROM GOING
UPON THE PREMISES OF
PRIVATE RESIDENCES
WITHOUT AN INVITATION
OF THE OWNER OR OCC-
UPANT THEREOF, DEFI-
NING AND REGULATING
SOLICITERS, PEDDLERS,
ITINERANT MERCHANTS,
ITINERANT VENDORS OF
MERCHANDISE, DIS-
TRIBUTORS OF HAND-
BILLS, AND OTHER

PERSONS SELLING OR
TAKING ORDERS FOR
GOODS, WARES, MER-
CHANDISE, SERVICES,
PHOTOGRAPHS, MAGA-
ZINES, OR SUB-
SCRIPTIONS TO MAGA-
ZINES; ESTABLISHING
THE LEGAL HOURS FOR
THE TRANSACTION OF
SUCH BUSINESS; PRO-
VIDING FOR A LICENSE
AND A LICENSE FEE;
EXEMPTING RECOG-
NIZED CHARITIES AND
SOCIAL IMPROVEMENT
AND NON-PROFIT
ORGANIZATIONS AND
THOSE ENGAGED IN
INTERSTATE COMMERCE
FROM LICENSE FEE;
BUT REQUIRING SUCH
PERSONS TO REGISTER
WITH THE CITY
SECRETARY; AND

PROVIDING PENALTIES
FOR THE VIOLATION OF
THIS ORDINANCE.

BE IT ORDAINED BY
THE TOWN COUNCIL OF
THE TOWN OF
MAGNOLIA, TEXAS:
PASSED AND APPROVED
THIS THE 11 DAY OF
JULY, 1972.

G.L. Bankston, Mayor

Legal No. 499 - July 18, 1972

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Willis Webb

Subscribed and sworn to this 21st day
of July, 19 72

Ann Japel
Notary Public, Montgomery County, Texas

(Seal)

158 Words; 1 Times

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