

ORDINANCE NO. 2N4-11

AN ORDINANCE GIVING THE CITY OF HIGHLAND, AR A FRANCHISE TO INSTALL AND MAINTAIN A SEWER COLLECTION AND TREATMENT SYSTEM IN CERTAIN AREAS OF THE CITY OF CHEROKEE VILLAGE, AR.

Whereas, the City of Highland has secured funds to construct a sewer collection and treatment system for the City of Highland, and a part of the system is located in the City of Cherokee Village, and the City of Highland has agreed to install the system and provide the collection and treatment of the sewage from the business area in Cherokee Village along Highway 62-412 and other areas as may be included by future negotiation, and

Whereas, the availability of an approved sewer system serving these areas materially affects the property owners ability to develop, use or expand the use of their property, and

Whereas, the City of Highland agrees that it will treat and dispose of Cherokee Village's sewage from these areas in accordance with all applicable rules, regulations, and guidelines issued by the Environmental Protection Agency, Arkansas Department of Pollution Control & Ecology, Arkansas Department of Health and all other regulatory authorities.

NOW **THEREFORE, BE IT ORDAINED** by the City Council of the City of Cherokee Village, Arkansas:

1. It is determined that the collection and treatment of sewage under controlled circumstances is necessary for the public health and safety.
2. The City of Highland is hereby awarded a non-exclusive franchise and the right to install and maintain a sewage system to persons, firms, corporations and other entities in the City of Cherokee Village. Areas of initial service shall be adjacent to the City of Highland along Highway 62-412.
3. The City of Highland is hereby given the right to use existing utility easements in the City of Cherokee Village for the purpose of laying mains, lines and sewer distribution and collection facilities of all nature.
4. The sewer rates charged by the City of Highland to the users in Cherokee Village shall be that rate as adopted in the City of Highland's Rate Ordinance for Highland customers and any amendments thereto.
5. Damage to streets, alleys, and other public ways caused by laying and maintaining sewer mains and other collection facilities shall be repaired by the City of Highland's Sewer Department.
6. The Mayor and City Clerk are hereby authorized to execute such instruments as may be necessary to carry out the purposes of this ordinance.

PASSED AND APPROVED BY THE CHEROKEE VILLAGE CITY COUNCIL.

DATED: September 16, 2004

APPROVED:

