

**ORDINANCE NO. 20-T**

**AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, GRANTING A PERMIT TO BAYMARK PIPELINE, LLC TO CONSTRUCT CERTAIN PIPELINE FACILITIES IN CERTAIN PROPERTY OR RIGHTS-OF-WAY OF THE CITY; REGULATING SUCH CONSTRUCTION, THE DATE OF COMPLETION, AND THE LOCATIONS OF STREET CROSSINGS; PROVIDING FOR A NOTICE TO PROCEED, FEES, DEPOSITS, INSURANCE, AND A GUARANTY OF PERFORMANCE; PROVIDING FOR NON-WAIVER BY THE CITY; REGULATING CONFLICTING TERMS OF LAWS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$1,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR SEVERABILITY; AND OTHER MATTERS RELATED THERETO.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS:**

**Section 1.** In accordance with the Alvin Pipeline Ordinance, Chapter 16, Article IV of the Alvin Code of Ordinances, the City Council for the City of Alvin hereby grants a permit to Baymark Pipeline, LLC (“User”) to construct the pipeline facilities described on Exhibit “A” hereto in, under, and across the rights-of-way of the City at the locations shown on Exhibit “A” hereto.

**Section 2.** Said pipeline facilities shall be constructed according to the attached Exhibit “A” and all applicable law.

**Section 3.** Said pipeline facility shall be completed no later than December 31, 2021.

**Section 4.** The points at which the pipeline facilities may cross the City’s rights-of-way are specified on the attached Exhibit “A.”

**Section 5.** No construction of said pipeline facilities shall begin until the City has issued a notice to proceed pursuant to the Pipeline Ordinance, after User has filed with the City proof of insurance, a guaranty of performance, and all applicable fees and deposits, all pursuant to the Pipeline Ordinance of the City.

**Section 6.** This Ordinance shall not waive or impair any of the requirements of the Pipeline Ordinance of the City. This Ordinance is subject to the terms of the Pipeline Ordinance. However, in the event of a conflict of terms, the more restrictive provision that provides greater protection to the City and its property shall govern and control.

**Section 7.** This Ordinance is expressly conditioned upon compliance with the Alvin Pipeline Ordinance and other applicable city ordinances, including but not limited to, Alvin City Code, Chapter 24, Traffic, Article III, Commercial Motor Vehicles. If any provision of the Pipeline Ordinance is not followed, a permit for the construction of facilities or this franchise

may be revoked. If a person has not followed the terms and conditions of the Pipeline Ordinance with respect to work done pursuant to a prior permit, new permits may be denied, or additional terms may be required.

**Section 8.** If any part of this Ordinance, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this order shall remain in full force and effect.

**Section 9.** This Ordinance shall be effective when it has been passed and adopted by the City and has been accepted by the User as shown by User's signature hereon. This Ordinance shall be void unless User signs it within thirty days of its passage and adoption. By signing this Ordinance, User also represents, warrants, and agrees that User shall comply with this Ordinance, the Pipeline Ordinance, and all applicable law concerning the subject matter of this Ordinance.

**Section 10. Penalty.** Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$1000.00. Each day of violation shall constitute a separate offense. Additionally, civil remedies and penalties may be imposed for violation of any provision of ordinance pursuant to Section 16-87.

**Section 11. Repealing Clause.** All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 12. Severability.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Alvin, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

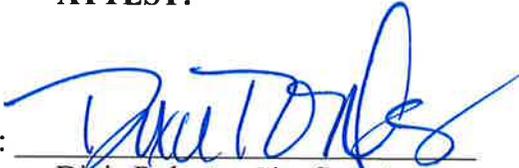
**Section 13. Open Meetings Act.** It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**PASSED AND APPROVED** on the 6<sup>th</sup> day of August 2020.

**CITY OF ALVIN, TEXAS:**

By:   
Paul A. Horn, Mayor

**ATTEST:**

By:   
Dixie Roberts, City Secretary

**APPROVED AS TO FORM:**



\_\_\_\_\_  
Suzanne Hanneman, City Attorney

**PERMIT USER – Baymark Pipeline, LLC:**

**ATTEST:**

By: \_\_\_\_\_

By: \_\_\_\_\_