

Added text appears in underlined typeface;
Deleted text appears in ~~striketrough~~ typeface.

ORDINANCE NO. NS - _____

AN ORDINANCE AMENDING THE AVION WATER COMPANY FRANCHISE
(BEND CODE SECTION 11-20.13) BY CHANGING THE SERVICE TERRITORY
AND EXTENDING THE TERM OF THE FRANCHISE

Whereas, On June 7, 2000, the City of Bend, by ordinance No. NS-1748, adopted a revised Franchise Agreement with Avion Water Company (“Avion”), which adopted an allocation of service area between the City of Bend and Avion, and

Whereas, the City and Avion have agreed to an exchange of service areas, which is expected to provide long term benefits to the citizens served by both utilities due to ease of coordination related to topics such as financing, fire flow planning, infrastructure development, rate setting, forecasting, conservation and related efforts.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1: Bend Code 11-20.13, Section 6(4) is amended as follows:

(4) Company's service to properties within the City shall be confined to the properties shown on the map entitled "Water Service Area Exhibit" which is marked EXHIBIT A, Amended July, 2007, attached hereto and incorporated by reference herein. Company shall not serve any other properties within the City. Exhibit A, Amended July, 2007 shall replace the existing water service area allocation between the City of Bend and Company.

Section 2: Bend Code 11-20.13, Section 17 is amended as follows:

(17): Franchise Term.

This franchise is granted for a term of 20 years beginning with the acceptance by Company of the amendment to the franchise adopted by the Bend City Council in July, 2007 ~~this franchise by Company.~~

Read for the first time this ____ day of _____, 2007.

Read for the second time this ____ day of _____, 2007.

Placed upon its passage this ____ day of _____, 2007.

YES: _____ NO: _____

Authenticated by the Mayor this ____ day of _____, 2007 .

MAYOR

ATTEST:

City Recorder