

RESOLUTION

87-16

WHEREAS, it appearing that under the provision of law now in effect, a franchise may be granted to Indian Hills Waterworks Company, Inc., a New Mexico corporation, in Torrance County, New Mexico, for the purpose of furnishing water to the residents of the service area described as all of Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36 in Township 9 North, Range 7 East, N.M.P.M., all of Sections 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32 in Township 9 North, Range 8 East, N.M.P.M., and all of Sections 5 and 6 South of Interstate 40 in Township 9 North, Range 8 East, N.M.P.M., in Torrance County, New Mexico, and for other useful purposes, and erecting and maintaining and operating pipe lines, pumping stations and other appliances and structures incidental to the distribution of water.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Torrance County, New Mexico, that a franchise be granted unto Indian Hills Waterworks Company, Inc., in words and figures as follows, to-wit:

TORRANCE COUNTY BOARD OF COMMISSIONERS

FRANCHISE

KNOWN ALL MEN BY THESE PRESENTS; That the Board of County Commissioners of Torrance County, New Mexico, assembled in regular meeting on the 31st day of May, 1989, there being at said meeting a quorum of the Board of said Commissioners, it was thereupon moved, seconded, and a resolution unanimously passed by said Board that Applicant, Indian Hills Waterworks Company, Inc., a corporation licensed to do business in Torrance County, New Mexico, be granted a franchise in accordance with said application as follows:

That in consideration of its obligation to maintain its said water lines and pumping stations and to furnish water to its customers, the residents and inhabitants, and various businesses of the described service area located in Torrance County, New Mexico, it is hereby resolved that Indian Hills Waterworks Company, Inc., its successors and assigns, be, and hereby is, granted the privilege to use the public highways, the areas heretofore dedicated to the public as park or common areas and the streets and alleys of the described service area in Torrance County, New Mexico, and areas adjacent thereto, for the purposes of drilling wells and erecting, maintaining and operating its pipe lines, pumping stations, vehicles, and other fixtures, appliances, and structures incidental to the distribution of water in the described service area in Torrance County, New Mexico, provided, that such use shall not obstruct public travel or damage the property of individuals and provided further, that said grantee shall repair and damage to the public areas, highways, streets and alleys resulting from grantee's

construction activities thereon. Said franchise is to be for a term of twenty-five (25) years from the date hereof. This franchise is granted under the provisions of Section 62-1-3, of New Mexico Statutes 1978 Annotated, and said grantee is hereby given all the privileges and rights accorded by said statute.

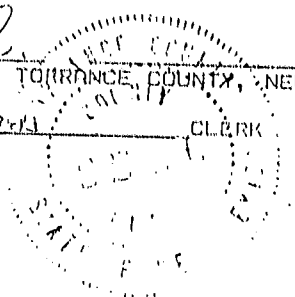
This franchise is granted and shall be held and enjoyed upon the terms herein stated, with the express proviso that should said grantee, or its successors and assigns, be guilty of any willful neglect or failure or refusal to comply with any reasonable order of this Board of Commissioners, its successors or assigns, or with any provision of the State Law, after reasonable notice in writing by registered mail from the Board of County Commissioners to said grantee, or its successors and assigns, such act shall subject the franchise to forfeiture, and the Board of County Commissioners after due hearing, may declare this franchise forfeited for any such neglect, failure or refusal upon the part of the grantee, its successors and assigns, and said grantee, or its successors and assigns, in their use of said streets, alleys, lanes and other public highways shall have the right of appeal to a District Court having jurisdiction in said county from any such order or decree so entered by said Board of Commissioners.

This franchise is granted upon the further condition that the grantee shall hold harmless the Board of County Commissioners, employees and agents of Torrance County from and liability whatsoever arising out of the installation, operation, or failure to operate the aforesaid waterworks system. In addition, the grantee shall maintain the aforesaid waterworks system in an acceptable condition according to the rules, regulations, and directives of the Board of County Commissioners of Torrance County or their duly appointed agents.

We, the under signed commissioners, hereby approve said franchise, and order the same entered as part of the official proceedings at said meeting held on this the _____ day of _____, 1989.

BOARD OF COMMISSIONERS OF TORRANCE COUNTY, NEW MEXICO

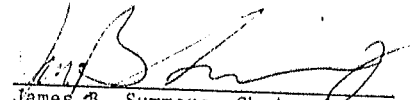
ATTEST:
_____ CLERK

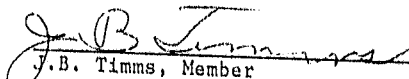


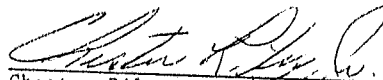
WE, THE TORRANCE COUNTY COMMISSION, AT OUR REGULAR MEETING ON
May 31, 1989, DO HEREBY APPROVE THE
FOLLOWING VOUCHERS FOR PAYMENT:

P.O.s and MANUALS..... 2714 - 2825
DELETIONS _____

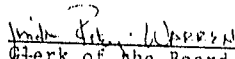
BOARD OF COUNTY COMMISSIONERS


James B. Summers, Chairman


J.B. Timms, Member


Chester Riley, Jr., Member

ATTEST:


Clerk of the Board