

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING THE PRIVILEGE OF OPERATING AUTHORITY TO ARIES SHUTTLE - DALLAS, LLC FOR THE USE OF THE STREETS, ALLEYS AND PUBLIC THOROUGHFARES OF THE CITY IN THE CONDUCT OF ITS SHUTTLE BUSINESS, WHICH SHALL CONSIST OF THE OPERATION OF ELEVEN (11) SHUTTLES FOR A THREE (3) YEAR PERIOD BEGINNING ON THE EFFECTIVE DATE; SPECIFYING THE TERMS AND CONDITIONS OF THE GRANT; PROVIDING A SEVERABILITY CLAUSE; MAKING THIS ORDINANCE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A PENALTY; PROVIDING FOR WRITTEN ACCEPTANCE BY ARIES SHUTTLE - DALLAS, LLC; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS, ARIES SHUTTLE - DALLAS, LLC** has applied for operating authority to furnish shuttle service on the public streets, alleys and thoroughfares of the City; and,

**WHEREAS,** the City of Fort Worth, pursuant to Section 34-204 of the Code of the City of Fort Worth (1986), as amended, has made inquiry and investigation into the application of **ARIES SHUTTLE - DALLAS, LLC**; and,

**WHEREAS,** upon such inquiry and investigation and after thorough consideration of all the facts made available to it, the City Council finds:

1. That the public necessity and convenience require the operation in the City of Fort Worth of **ELEVEN (11) SHUTTLES**;
2. That **ARIES SHUTTLE - DALLAS, LLC** is qualified and financially able to efficiently conduct such business to render such service to the public, consisting of the operation of **ELEVEN (11) SHUTTLES** upon the public streets, alleys and thoroughfares of the City of Fort Worth for a three (3) year period; beginning on the effective date, which shall be upon acceptance by the grantee and completion of the publication requirement as determined by Chapter XXV, Section 2 of the Charter of the City of Fort Worth and Section 34-205 of the City Code of Ordinances;
3. That the general welfare of the citizens of Fort Worth will best be served by the operation of **ELEVEN (11) SHUTTLES** by **ARIES SHUTTLE - DALLAS, LLC**; and,

4. That all other requirements of Chapter 34 of the Code of the City of Fort Worth (1986), as amended, have been complied with **ARIES SHUTTLE - DALLAS, LLC**, and any violations thereof will result in the imposition of penalties as provided by Section 34-228 of the City Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

**SECTION 1.**

That **ARIES SHUTTLE - DALLAS, LLC**, a **Limited Liability Corporation** with its principal place of business and its headquarters in **NAPERVILLE, DU PAGE COUNTY, ILLINOIS**, hereinafter referred to as “Company,” is hereby granted operating authority to use the present and future streets, alleys and public thoroughfares of the City of Fort Worth, Texas, in its business of providing public shuttle service within the said City’s municipal limits with **ELEVEN (11) SHUTTLES** for a three year period beginning on the effective date.

**SECTION 2.**

That the findings and recitations contained in the preamble hereof are expressly incorporated into and made a part of this ordinance as the findings of the City Council.

**SECTION 3.**

That the Company, as holder of the grant, and the Company’s operations hereunder, shall be governed at all times by the provisions of state and federal laws and regulations and Chapter 34 of the Code of the City of Fort Worth (1986), as amended.

**SECTION 4.**

That the authority herein granted shall be and remain subject to said Company’s full, complete and satisfactory continuing compliance with all federal, state and local laws and ordinances, including but not limited to the Charter of the City of Fort Worth, and all relevant

provisions of Chapter 34, Code of the City of Fort Worth (1986), as amended, and such other ordinances as may be adopted from time to time by the City Council governing and regulating the operation of shuttle service in the City of Fort Worth.

#### **SECTION 5.**

That the Company acknowledges that the City of Fort Worth assumes no liability or responsibility in making this grant, and that by acceptance of this ordinance and grant, Company hereby agrees to indemnify, hold harmless and defend the City of Fort Worth, its officers, agents, and employees, from and against any and all claims or suits, expense or liability, for any and all property damage or loss and/or personal injury, including death, to any and all persons, of whatsoever kind or character, arising out of or in connection with any acts or omissions by Company, its officers, agents, employees, drivers, licensees, invitees and passengers, in the exercise of the authority granted herein; and Company shall assume all liability and responsibility for same.

#### **SECTION 6.**

That the Company acknowledges that its drivers, property and operations shall be and remain subject at all times to such reasonable regulation by the City as is or may be necessary to protect the interests of the general public. As such, the Company understands and acknowledges that during the term of this ordinance and grant, the City of Fort Worth may adopt such ordinances that further regulate the operation of the Company's service within the City of Fort Worth, including the amount of fees to be paid; and that upon the adoption thereof, the Company shall begin conducting its operations in compliance with the provisions of such ordinances. Further, should the City later adopt an ordinance that would change the nature of the rights granted under this ordinance, the city reserves the right to cancel or otherwise modify any and all rights granted under this ordinance and issue a new grant of operating authority, as long as Company is not in violation of any provision of Chapter 34 of the Code of the City of Fort Worth, Texas (1986), as amended. In the event the terms and conditions of this ordinance are in conflict with the provisions of any such ordinance adopted by the City, the provisions of such ordinance shall supersede the terms and conditions of this ordinance to the extent they are in conflict.

## **SECTION 7.**

That the Company acknowledges that payment of required fees, as specified in Chapter 34 of the Code of the City of Fort Worth, Texas (1986), as amended, is a requisite to exercising the privileges granted herein.

## **SECTION 8.**

That the Company shall be obligated to discharge any claim or judgment against it finally established by law, and the failure to do so for a period of one hundred eighty (180) days shall, ipso facto, terminate all authority under this grant.

## **SECTION 9.**

That pursuant to Chapter 34 of the Code of the City of Fort Worth, Texas, (1986), as amended, the Company shall not sell, convey or transfer this grant of operating authority to any other person, firm or corporation without the prior formal consent and approval of the City Council of the City of Fort Worth, nor shall the Company sell, transfer, assign or otherwise encumber its shuttle operation without the consent of the Fort Worth City Council.

## **SECTION 10.**

That nothing herein contained shall be held or construed to confer upon the Company exclusive rights or privileges of any nature whatsoever.

## **SECTION 11.**

That any suspension or revocation of the privileges granted herein may be accomplished under the applicable provisions of Chapter 34 of the Code of the City of Fort Worth, Texas (1986), as amended.

## **SECTION 12.**

That the terms and provisions of this ordinance are severable and shall be governed by Section 1-5 of Chapter 1 of the Code of the City of Fort Worth, Texas (1986), as amended.

## **SECTION 13.**

That the provisions of this ordinance shall be and are hereby declared to be cumulative of all provisions of the Code of the City of Fort Worth, Texas (1986), as amended, with respect to the regulation and operation of public shuttle service within the City's municipal limits, and, in the event of conflict between the provisions of this ordinance and such Code, the provisions of the City Code shall govern and prevail.

## **SECTION 14.**

A penalty may be imposed for violations of this ordinance in an amount not to exceed five hundred dollars (\$500). Each day that a violation exists shall constitute a separate offense. Any violation of this ordinance shall be a class C misdemeanor.

## **SECTION 15.**

That after adoption of this ordinance, Company shall pay all required fees and file with the City Secretary written acceptance of the terms and provisions hereof. Such acceptance of and agreement to the provisions of this ordinance and grant shall be evidenced by the signature of the Company's authorized representative on the final page of this ordinance.

## **SECTION 16.**

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption and penalty of this ordinance for two (2) days in the official newspaper of the City of Fort Worth,

Texas, as authorized by Section 52.013 of the Texas Local Government Code; Chapter XXV of the Charter of the City of Fort Worth; and section 34-205 of the City Code of Ordinances.

**SECTION 17.**

That this ordinance shall take effect upon adoption; acceptance of the grant and payment of the fee by **ARIES SHUTTLE - DALLAS, LLC** and publication as required by law.

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**ASSISTANT CITY ATTORNEY**

**DATE:** \_\_\_\_\_

**ADOPTED:** \_\_\_\_\_

**EFFECTIVE:** \_\_\_\_\_

**ACCEPTED BY:**

**ARIES SHUTTLE - DALLAS, LLC**

\_\_\_\_\_  
**DATE:** \_\_\_\_\_