

SPECIAL
~~REGULAR~~ MEETING OF THE CITY COUNCIL
OF THE CITY OF VINCENT, ALABAMA, HELD
MAY 28th, 1985 AT 7:00 O'CLOCK
P.M. IN THE COUNCIL CHAMBER OF SAID CITY.

The meeting was called to order by Mayor Nolen R. Clinkscales
_____ and upon the roll being called, the follow-
ing answered Present:

Mayor Clinkscales, and Councilmen persons
Wayne Lowe, Charles Greene, Robert Kidd and Patricia M. Roper

Absent Wallace F. Denty. A legal quorum
being present, the meeting was declared open for the trans-
action of business.

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Mary Lee Reynolds, City Clerk, read to the Council
the following Ordinance:

ORDINANCE NO. F-1-85

GRANTING A FRANCHISE TO ALABAMA GAS
CORPORATION, ITS SUCCESSORS AND
ASSIGNS, IN THE CITY OF VINCENT, ALABAMA.

BE IT ORDAINED BY THE City Council of the City of
Vincent, Alabama, as follows:

Section 1. In consideration of the benefits to
accrue to said City of Vincent, Alabama (hereinafter
called the "City") and the inhabitants thereof, Alabama Gas
Corporation, its successors and assigns, hereinafter called
the "Company", is hereby given, granted and vested with
the rights, authority, privileges and franchises hereinafter
set forth.

Section 2. The Company is hereby given, granted
and vested with the right, authority, easement, privilege
and franchise to construct, own, maintain, operate, extend
and enlarge in the City a plant or system for the manufacture,

distribution and sale of gas for all purposes whatsoever in the City and to the inhabitants thereof and in the territory contiguous thereto; and the consent of the City acting through the Mayor and the City Council, who are the proper authorities of the City is hereby given to the Company to use the streets, avenues, alleys, ways, bridges and public places in said City for any and all of the purposes referred to in this Ordinance.

Section 3. The Company is hereby granted and vested with the right, privilege and franchise to construct, erect, lay, install, renew, repair, maintain, operate, use and extend at any time, without the formality of a permit and without paying any fee therefor, its mains, conduits, appliances, appurtenances and fixtures under, along and across any street, avenue, alley, bridge, or public place in the City.

Section 4. The said mains, pipes, conduits, appliances, appurtenances and fixtures shall be so laid, set or constructed as not to unreasonably interfere with the proper use of the streets, avenues, alleys, ways, bridges and public places in the City, and shall be maintained in reasonable good condition and repair, and to that end the Company shall abide by all reasonable ordinances and resolutions that may be adopted by the governing body of the City.

Section 5. Whenever the Company shall cause any opening or alteration to be made in any of the streets, avenues, alleys, ways, bridges or public places of the City for the purpose of laying, setting, maintaining, operating or repairing any mains, pipes, conduits, appliances, appurtenances or fixtures the work shall be completed within a reasonable time and the Company shall upon the completion of such work restore such portion of the streets, avenues, alleys, ways, bridges, or public places to as good condition as it was before the opening or alteration was made.

Section 6. The Company shall hold the City harmless from any and all liability or damages resulting from the negligence of the Company in the construction, maintenance or operation of said mains, pipes, conduits, appliances, appurtenances and fixtures.

Section 7. The Company shall have the power and authority, subject to the supervision of the Alabama Public Service Commission or other duly constituted governmental authority vested with the power now vested in the Alabama Public Service Commission to supervise and regulate public utilities in the State of Alabama, to make, adopt and enforce rates, rules and regulations for the furnishing of gas and for the reasonable operation of its plant and system and shall have the right at all reasonable hours to have access to its gas pipes and the meters of any consumer for the purpose of making repairs and other proper purposes.

Section 8. The duration of this franchise shall be for a period of thirty years from the effective date of this Ordinance.

Section 9. As a condition to the continued existence of the franchise herein granted and as compensation or consideration for the granting thereof, Alabama Gas Corporation agrees by its acceptance hereof that it will pay to the City, in addition to all taxes now or hereafter required by law to be paid, a franchise fee of one-half of one percent (.5 %) percent of the gross gas sales revenues received by Alabama Gas Corporation from the sale and delivery of gas during the preceding calendar year within the corporate limits and police jurisdiction/ ^{not over lapping Harpersville Town limits} of the City, provided no such franchise fee shall be paid for any year unless and until the City has provided for the payment of such franchise fee for such year by ordinance duly and regularly adopted by it. Such franchise fee shall be paid for any year with respect to which the same becomes payable on or before March 1 of such year.

Section 10. This Ordinance shall be published by posting copies thereof for five days in three public places within the limits of the City, one of which places shall be at the post office or the office of the Mayor of the City. Such posting shall be done by the City Clerk of the City and after the expiration of such five days posting the City Clerk shall enter upon the minutes of the City, immediately after the place where this Ordinance is recorded, his certificate setting forth the public places where such Ordinance was posted and the fact that such posting was for a period of five full days. The expense of such publication shall be paid by the Company. The Company shall within ninety (90) days after the adoption of this Ordinance and its approval by the Mayor, file with the Clerk of the City a written acceptance thereof; and this Ordinance, when so approved and accepted by the Company and published as hereinabove provided for, shall constitute a contract between the City and the Company, its successors and assigns.

ADOPTED this the 28 day of May, 1985.

Helen Clickscale
Mayor of the City of _____
Alabama

ATTEST:

Mary Lu Reynard
Clerk of the City of Vincent,
Alabama