

ORDINANCE NO. 1677

Granting a Franchise to Mobile Gas Service Corporation, a Corporation, its Successors and Assigns, to Lay, Maintain, and Operate in, on, under and/or Across the Streets, Avenues, Roads, Lanes, Parks and Other Public Places or Ways in the City of Prichard, Alabama, a Pipe Line System for the Transmission, Distribution and Sale of Gas, Natural and/or Artificial, for Domestic, Industrial and Other Purposes, and Prescribing Conditions and Limitations.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF PRICHARD AS FOLLOWS:

Section 1. Whenever the word "grantee" appears in this ordinance it is intended to designate and shall be held to mean Mobile Gas Service Corporation, a corporation, its successors and assigns.

Section 2. The grant of the right, privilege and franchise under this ordinance is in consideration of the mutual benefits that will accrue to the City of Prichard, its residents, inhabitants, citizens and the public and to the Grantee from the exercise and use thereof by the Grantee, its successors and assigns.

Section 3. That the right, privileges and franchises be and the same are hereby granted to Mobile Gas Service Corporation, a corporation, its successors and assigns, for a term of thirty years from and after the date this ordinance shall take effect and become in force, to lay, construct, extend, maintain, renew, replace, relocate, own, purchase, lease and operate a natural and/or artificial gas pipe line system, and all appurtenances and appendages thereunto for the transmission, distribution and sale of natural and/or artificial gas for domestic, industrial and all other purposes, in, under, along and/or across any public streets, avenues, lanes, roads, alleys, parks and other public places and ways within the present or future corporate limits of the City of Prichard, Alabama, together with the right to make, install, maintain, repair and replace all such mains, turnouts, meters, regulators, service pipes, connections, and other usual equipment or apparatus as may be reasonable necessary or desirable in the operation of said gas pipe line system.

Section 4. The grantee, upon making an opening in any of the streets, alleys or other public places or ways of the City of Prichard for the purpose of constructing, laying, repairing, and/or maintaining said gas pipe line system, and any appurtenances and appendages thereto, shall within a reasonable time replace and restore the same to its former condition as nearly as practicable, and shall not unnecessarily obstruct or impair traffic upon the streets, avenues and public ways of said City; provided all mains, pipes, appurtenances or other apparatus constructed

in, along, or under the streets of said City shall be so laid or constructed, after first obtaining a permit from and under the supervision of the governing body of the City of Prichard, or such officers or employees as such governing body may designate.

Section 5. The said grantee shall hold harmless and indemnify the said City of Prichard from and against any and all liability by reason of damage or injury to any person or persons whatsoever on account of negligence of the grantee in the installation and maintenance of its pipe line system and all appurtenances and appendages thereunto, in, under, along and across said streets, avenues, lanes, roads, alleys, parks and other public places and ways within the present or future corporate limits of the City of Prichard, Alabama; provided the Grantee shall have been notified in writing of any claim against the City of Prichard on account thereof and shall have been given ample opportunity to defend the same.

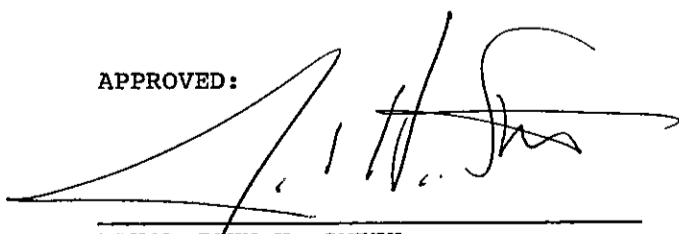
Section 6. The grantee shall construct, maintain and operate said pipe line system, extensions and connections thereof in such locations and/or at such depths below the grades of said streets, avenues, sidewalks, alleys and other public places as may be validly required by the City of Prichard, and will at all times comply with all reasonable requirements, regulations, laws and ordinances now in force, and which may hereafter be adopted by said City of Prichard, and be applicable to the construction, repair or maintenance of said system.

Section 7. The franchise granted to the Mobile Gas Service Corporation, a corporation, as grantee, by an ordinance or the Prichard City Council of the City of Prichard, adopted on November 7, 1960, which franchise is now owned, used, enjoyed and possessed by Mobile Gas Service Corporation, the grantee hereunder as its successor and assign, shall, without further action on the part of either party hereto, but with their mutual assent now expressed, terminate and become canceled, null and void as of the date that the franchise granted hereunder shall take effect and be in force and operative.

Section 8. This ordinance shall take effect and be in force on and after the earliest date permitted by law, upon and after its final enactment and publication as required by law.

Adopted this the 2nd day of February, 1988.

APPROVED:



MAYOR JOHN H. SMITH

ATTEST:

Eva C. Greene
EVA C. GREENE, CITY CLERK-TREASURER

STATE OF ALABAMA

COUNTY OF MOBILE

I, Eva C. Greene, City Clerk of the City of Prichard, Alabama, hereby certify that the foregoing ordinance is a true and correct copy of an ordinance adopted by the Council of the City of Prichard on 2nd day of February, 1988, as contained in the official records of the City of Prichard in Minute Book 117.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Prichard, on this the 2nd day of February, 1988.

Eva C. Greene
City Clerk of the City of Prichard, Alabama

PLEASE PUBLISH: PRESS TUESDAY, FEBRUARY 24, 1988.