

ORDINANCE NO. 1357

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

Section 1. The words "the City" as used herein shall mean the City of Prichard, Alabama, as it is now constituted and as it may hereafter be extended or enlarged. The words "the grantees" as used herein shall mean "C. M. Bradley" and "Wolf Ridge Plastics, Inc."

Section 2. There is hereby granted to C. M. Bradley and Wolf Ridge Plastics, Inc., subject to the restrictions and conditions below, the right, privilege and franchise to use the public streets of the City for the purpose of constructing and operating a railway over, along and across said streets.

Section 3. The right, privilege, and franchise herein granted may be exercised only over, along and across that certain street located in the City known as Alley No. 3, which said street or alley intersects at its southwesterly end with Owens Street formerly Canal Street and at its northeasterly end with St. Stephens Road.

Section 4. The right, privilege and franchise herein granted shall extend for a term of thirty (30) years from the time this ordinance shall become effective according to law; provided however, that the City may, at the discretion of its Council, and upon first allowing one year's notice, revoke all rights, privileges and franchises herein granted.

Section 5. The right, privilege and franchise herein granted may be exercised by the grantees, and by no others and is hereby expressly made nondelegable, nonassignable, nonalienable and nontransferable.

Section 6. The rights of the public in the streets and ways of the City of Prichard are hereby recognized as being paramount to private rights and the right, privilege and franchise herein granted shall be exercised in subordination to said rights of the public.

Section 7. The grantees shall, by acceptance of the right, privilege and franchise herein granted, be deemed to agree to forever hold the City harmless from any and all claims or rights of action arising from or in connection with the construction, operation, or maintenance of any enterprise or endeavor done pursuant to said right, privilege and franchise.

Section 8. The grantees shall, and by accepting this franchise agree that they will, upon making any excavations in streets, and public ways of the City restore the surface or paving at the point of such excavation in substantially the same condition as before such work was done all as promptly as may be practicable and within a reasonable length of time after the completion of such excavation.

Section 9. The grantees shall, and by accepting this franchise agree that they will, upon the expiration or revocation of said franchise according to Section 4 hereof, remove any and all tracks, ties and equipment from the public streets and ways of the City and restore the surface or paving of said public streets and ways to substantially the same condition as before tracks, ties and equipment were installed and all as promptly as may be practicable and within a reasonable length of time.

Section 10. The expense of publication of this ordinance shall be borne by the grantees.

Section 11. This ordinance shall become effective upon its adoption and publication as provided by law.

ADOPTED AND APPROVED this the 3rd day of July,

1973.

I certify that the foregoing ordinance was adopted by the City Council
of the City of Prichard, Alabama, on the 3rd day of July,

1973.

C. J. Campbell
Mayor

ATTEST:

Bernice H. Gontame
City Clerk