

File in Ordinance File

AN ORDINANCE GRANTING A FRANCHISE TO THE MOBILE GAS SERVICE CORPORATION, a corporation, its successors, and assigns, TO LAY, MAINTAIN, AND OPERATE IN OR UNDER THE STREETS, AVENUES, ROAD, ALLEYS, LANES PARKS, AND OTHER PUBLIC PLACES IN THE CITY OF PRICHARD, ALABAMA, A PIPE LINE SYSTEM FOR THE TRANSMISSION, DISTRIBUTION AND SALE OF GAS, NATURAL AND ARTIFICIAL, FOR DOMESTIC AND OTHER PURPOSES, AND PRESCRIBING CONDITIONS AND LIMITATIONS.

BE IT ORDAINED by the City Council of the City of Prichard, Mobile County, Alabama, as follows:

SECTION ONE: Whenever the word "Grantee" appears in this ordinance it is intended to designate and shall be held to mean The Mobile Gas Service Corporation, a corporation, its successors and assigns; whenever the word "gas" is used, it is intended to include natural gas, manufactured gas, liquid petroleum gases such as propane and butane, or any mixture of said gases.

SECTION TWO: BE IT ORDAINED by the City Council of the City of Prichard, Mobile County, Alabama, that in consideration of the benefits which the City of Prichard, its residents and citizens, and the public, will derive from the use and exercise of the rights, privileges and franchise granted under this Ordinance, the right, privilege and franchise are hereby granted to the Grantee for a term of thirty (30) years, to lay, construct, extend, maintain, renew, replace and/or repair gas pipes and mains under, along and/or across any streets, avenues, roads, alleys, lanes, parks, and other public places and ways in the City of Prichard, Alabama, and to use and occupy said streets, avenues, roads, alleys, lanes, parks, and other public places and/or ways for the purpose of therein laying constructing, extending, maintaining, renewing, replacing and/or repairing mains and pipes and all appurtenances and appendages thereto used and/or useful for the manufacture, transmission, distribution and/or piping of gas within and/or through the present or future territorial limits of the City of Prichard, Alabama.

SECTION THREE: The Grantee upon making an opening upon any of the streets, alleys or public ways of said City, for the purpose of laying, repairing or maintaining gas mains, shall use due care and caution to prevent injury to persons, and shall replace and restore all public ways to their former condition as nearly as practicable, and within a reasonable time; and shall not unnecessarily obstruct or impede traffic upon the streets, avenues and public ways of the said City, provided all pipe or other apparatus erected along or under the streets of said City shall be so laid or erected, after first obtaining a permit from, and under the supervision of the City Council or such officers as they may designate.

SECTION FOUR: Said Grantee shall save and keep harmless the said City from 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 mains and pipe lines along said streets, alleys and public ways, provided the Grantee shall have been notified in writing of any claim against the City on account thereof and shall have been given ample opportunity to defend the same.

SECTION FIVE: This ordinance shall take effect from and after its passage, approval and publication, as required by law.

ADOPTED THIS 7th DAY OF NOVEMBER, 1960.

APPROVED:

V.O. Capps
V. O. CAPPS
MAYOR

ATTEST:

Berniece H. Centanne
BERNIECE H. CENTANNE
CITY CLERK