

ORDINANCE NO. 1406

AN ORDINANCE GRANTING FRANCHISES FOR THE OPERATION OF WATER AND SANITARY SEWER SYSTEMS IN THE CITY TO THE WATER WORKS AND SEWER BOARD OF THE CITY OF PRICHARD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRICHARD, ALABAMA (herein called the "City") as follows:

Section 1. The City hereby grants to The Water Works and Sewer Board of the City of Prichard, its successors and assigns (herein called the "Board"), the right, privilege, authority and franchises to acquire, construct, own, maintain, enlarge, extend, improve and operate a water system and a sanitary sewer system for the purpose of supplying water and sanitary sewer services to the City and the surrounding territory and the inhabitants thereof and to use the streets, avenues, alleys and public ways and places in the City for such purposes.

Section 2. The City hereby grants to the Board the right, privilege, authority and franchises at any time and from time to time during the period covered by this franchise, and without any requirement as to license, permit or fee therefor, to own and operate said systems, to construct, extend, operate, renew, enlarge, repair and maintain its mains, pipes, conduits, laterals and facilities in, over, under, across or along any street, avenue, alley or public way or place in the City and to make all excavations necessary therefor for the purpose of constructing, repairing, improving, enlarging, extending, adding to, maintaining or operating said systems or either thereof.

Section 3. The Board shall, and by accepting these franchises agrees that it will, upon making any excavation in the streets, avenues, alleys, public ways and places of the City in the exercise of these franchises, restore the surface and paving at the point of such excavation in

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substantially the same condition as before the work was done, within a reasonable time thereafter, and will save the City harmless from any liability arising out of any change in the condition of any street, avenue, alley, public way or place by the Board.

Section 4. The rights, privileges, authorities and franchises hereby granted shall continue in force and effect for a period of thirty years from the effective date of this ordinance.

Section 5. The provisions of this ordinance are intended to be severable and, if any one or more thereof should be held invalid for any reason, the rest shall nevertheless stand and be fully effective..

Section 6. This ordinance shall be published at the expense of the Board in one issue of The Mobile Press Register, a newspaper published in Mobile County and having general circulation in the City (there being no newspaper published in the City), and shall become effective upon such publication.

Section 7. All ordinances, resolutions or orders or parts thereof in conflict with this ordinance are hereby repealed to the extent of such conflict.

PASSED AND ADOPTED this 2nd day of December, 1975.

Larry N. Sullivan
President of the City Council

Approved this 2nd day of December, 1975.

Larry N. Sullivan
ACTING Mayor

Attested and authenticated:

Eva C. Greene
City Clerk