

ORDINANCE NO. 2018-01

GRANTING A FRANCHISE TO SPIRE ALABAMA INC., ITS SUCCESSORS AND ASSIGNS, IN THE TOWN OF KILLEN, ALABAMA

BE IT ORDAINED by the Mayor and the Town Council of the Town of Killen, Alabama, as follows:

Section 1. In consideration of the benefits to accrue to said Town of Killen, Alabama, (hereinafter called the "Town") and the inhabitants thereof, Spire Alabama Inc., 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 Town a plant or system for the manufacture, transmission, distribution and sale of gas for all purposes whatsoever in and through the Town; and the consent of the Town acting through the Mayor and the Town Council, who are the proper authorities of the Town is hereby given to the Company to use the streets, avenues, alleys, ways, bridges and public places in said Town for any and all of the purposes referred to in this Ordinance. The Town will not vacate any public right-of-way containing any Company facilities without first advising the Company of its intention to vacate the right-of-way and cooperating with the Company in reasonable attempts to obtain the necessary property rights to maintain its facilities in the right-of-way.

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, it's main, conduits, appliances, appurtenances and fixtures under, along and across any street, avenue, alley, bridge, viaduct, underpass, or public place in the Town.

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, viaducts, underpasses, and public places in the Town, and shall be maintained in reasonably good condition and repair, and to that end the Company shall abide by all lawful and reasonable ordinances and resolutions that have been or may be duly adopted by the governing body of the Town. However, all ordinances and parts of ordinances in conflict with this ordinance or with any of its provisions are to the extent of such conflict, hereby repealed.

Section 5. Whenever the Company shall cause any opening or alteration to be made in any of the streets, avenues, alleys, ways, bridges, viaducts, underpasses, or public places of the Town 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 reasonably practicable condition as existed before the opening or alteration was made.

Section 6. The Company shall hold the Town harmless from any and all liability or damages resulting from the negligence of the Company in the construction and maintenance 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 (30) years from the date of its adoption by the Mayor and the Town Council.

Section 9. This Ordinance shall be published in accordance with the applicable provisions of Section 11-45-8 of the Code of Alabama (1975). Such publication shall be done by the Town Clerk of the Town and thereafter the Town Clerk shall enter upon the minutes of the Town, immediately after the place where this Ordinance is recorded, a certificate setting forth that such Ordinance was published in accordance with the terms hereof and the laws of the State of Alabama. The expense of such publication shall be paid by the Company.

Section 10. Upon filing by the Company with the Clerk of the Town of a written acceptance of this Ordinance and of the franchise granted hereby, this Ordinance shall constitute a contract between the Town and the Company and their respective successors and assigns.

Section 11. The enactment of this franchise in the manner hereinabove provided shall have the effect of terminating any other franchise heretofore granted by the Town and then held by the Company covering the distribution of gas in the Town and territory contiguous thereto.

PASSED, ADOPTED AND APPROVED this 5 day of MARCH 2018.



Mayor

Attest:


Town Clerk

[Signature]
Mayor of the Town of Killen, AL

[Signature]
Clerk of the Town of Killen, Alabama

STATE OF ALABAMA

Lauderdale COUNTY

I, the undersigned, Kelly Jeffreys, Clerk of the Town of Killen, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an extract from the minutes of the regular meeting of the Town Council of the Town of Killen, Alabama, held on the 5 day of March, 2018 at 5:00 o'clock _____, which said extract correctly sets forth all proceedings of said meeting relating to Ordinance No. 2018-01 granting a franchise to Spire Alabama

Witness by my hand and seal of said Town of Killen the 5 day of March 2018.

[Signature]
Clerk of the Town of Killen, Alabama

