

ORDINANCE NO. 482-96
GRANTING A FRANCHISE TO ALABAMA GAS
CORPORATION, ITS SUCCESSORS AND
ASSIGNS, IN THE CITY OF HELENA, ALABAMA

BE IT ORDAINED BY THE Mayor and the City Council of the City of Helena, Alabama, as follows:

Section 1. In consideration of the benefits to accrue to said City of Helena, Alabama, (hereinafter called the "City") and the inhabitants thereof, Alabama Gas Corporation, 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 City a plant or system for the manufacture, transmission, distribution and sale of gas for all purposes whatsoever in the City and to the inhabitants thereof and in the territory contiguous thereto; and the consent of the City acting through the Mayor and the City Council, who are the proper authorities of the City is hereby given to the Company to use the streets, avenues, alleys, ways, bridges and public places in said City for any and all of the purposes referred to in this Ordinance.

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 therefore, its mains, conduits, appliances, appurtenances and fixtures under, along and across any street, avenue, alley, bridge, viaduct, underpass, or public place in the City.

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 City, and shall be maintained in reasonably good condition and repair, and to that end the Company shall abide by all reasonable ordinances and resolutions that have been or may be adopted by the governing body of the City.

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 City 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 good condition as it was before the opening or alteration was made.

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

Section 9. As a condition to the continued existence of the franchise herein granted and as compensation or consideration for the granting thereof, Alabama Gas Corporation agrees by its acceptance hereof that it will pay to the City, in addition to all taxes now or hereafter required by law to be paid, a franchise fee of one percent (1%) of gross gas sales revenues received by Alabama Gas Corporation from the sale and delivery of gas during the preceding calendar year within the corporate limits and police jurisdiction (so long as the City is providing services in the police jurisdiction) of the City, except for gas which is sold within the corporate limits of another municipality which has

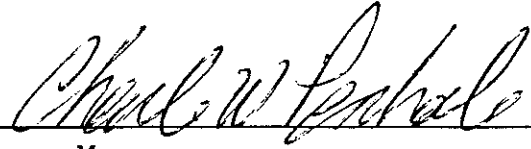
granted the Company a franchise. Such franchise fee shall be paid for any year with respect to which the same become payable on or before March 1 of such year.

Section 10. 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 City Clerk of the City and thereafter the City Clerk shall enter upon the minutes of the City, 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 11. Upon filing by the Company with the Clerk of the City of a written acceptance of this Ordinance and of the franchise granted hereby, this Ordinance shall constitute a contract between the City and the Company and their respective successors and assigns.

Section 12. The enactment of this franchise in the manner hereinabove provided shall have the effect of terminating any other franchise heretofore granted by the City and then held by Alabama Gas Corporation covering the distribution of gas in the City and territory contiguous thereto.

PASSED, ADOPTED AND APPROVED this 5 day of February 199~~8~~⁶.



Mayor

Attest:



City Clerk

After completion of the reading of said Ordinance (Granting a Franchise to Alabama Gas Corporation) Council member

Sam Lefebvre moved that the rules be suspended and that unanimous consent of those present be given for the immediate consideration of said Ordinance. This motion was duly seconded by

Council member *Billy D. Harris*, and upon a call of the roll by the Clerk, upon the adoption of said motion, the

following voted Aye: *Charles W. Penhale, Lenny Bearden, Connie Brady, Billy D. Harris, Sam Lefebvre & Jessif Pate*
Nay: *None* Whereupon

the result of the vote was announced, and the Mayor declared the rules suspended.

Council member *Lenny Bearden* then moved that the said Ordinance be adopted. This motion was duly seconded by Council member *Billy D. Harris* and upon a call of the roll by the Clerk, upon the motion to adopt the said Ordinance, the

following voted Aye: *Charles W. Penhale, Lenny Bearden, Connie Brady, Billy D. Harris, Sam Lefebvre, & Jessif Pate*
Nay: *None*

Whereupon the result of the vote was announced and the Mayor declared the said Ordinance passed and adopted.

* * *

There being no further business to come before said meeting and upon motion of Council member and seconded by Council member , the meeting adjourned.

Charles W. Paskal
Mayor of the City of Helena,
Alabama

Francis Parrish, CMC
Clerk of the City of
Helena, Alabama

STATE OF ALABAMA)
)
SHELBY COUNTY)

I, the undersigned, Francis Parrish, Clerk of the City of Helena, 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 City Council of the City of Helena, Alabama, held on the 5 day of February, 1996 at 7:00 o'clock P.M., which said extract correctly sets forth all proceedings of said meeting relating to Ordinance No. granting a franchise to the Alabama Gas Corporation.

Witness my hand and the seal of said City this 5 day of February, 1996.

Francis Parrish, CMC
Clerk of the City of Helena,
Alabama

(SEAL)