

ORDINANCE NO. 1843

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

BE IT ORDAINED by the Mayor and the City Council of the City of Talladega, Alabama, as follows:

SECTION 1. In consideration of the benefits to accrue to said City of Talladega, Alabama, (hereinafter called the "City") 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 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 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 therefor, 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 of 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, 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 (30) years 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 of the granting thereof, Spire Alabama Inc. 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 (1%) percent of gross gas sales revenues received by Spire Alabama Inc. from the sale and delivery of gas during the preceding calendar year within the corporate limits and police jurisdiction of the City; provided no such franchise fee shall be paid for any year unless and until the City has provided for payment of such franchise fee for such year by ordinance duly and regularly adopted by it. Such franchise fee shall be paid for any year with respect to which the same becomes payable on or before March 1 of such year.

SECTION 10. This Ordinance shall be published by posting copies thereof for five days in three public places within the limits of the City, one of which places shall be at the post office or the office of the Mayor of the City. Such posting shall be done by the City Clerk of the City and after the expiration of such five days posting, the City Clerk shall enter upon the minutes of the City, immediately after the place where this Ordinance is recorded, his certificate setting forth the public places where such ordinance was posted and the fact that such posting was for a period of five full days. The expense of such publication shall be paid by the Company. The Company shall within ninety (90) days after the adoption of this Ordinance and its approval by the Mayor, file with the Clerk of the City a written acceptance thereof; and this Ordinance, when so approved and accepted by the Company and published as hereinafter provided for, shall constitute a contract between the City and the Company, its successors and assigns.

SECTION 11. The acceptance of Spire Alabama Inc. 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 Spire Alabama Inc. covering the distribution of gas in the City and territory contiguous thereto.

ADOPTED AND APPROVED this the 24th day of September, 2018.

Council President Horace Patterson
Councilman David Street
Councilman Ricky Simpson
Councilman Gerald Cooper
Interim City Manager Elizabeth Cheeks

Attested to: Joanna Medlen, Acting City Clerk