

AN ORDINANCE

AN ORDINANCE, GRANTING TO ATLANTA GAS LIGHT COMPANY, A GEORGIA CORPORATION, HEREINAFTER DESIGNED AS "GRANTEE", ITS SUCCESSORS AND ASSIGNS, THE EXCLUSIVE RIGHT AND FRANCHISE TO USE AND OCCUPY THE STREETS, AVENUES, ROADS, PUBLIC HIGHWAYS, ALLEYS, LANES, WAYS, PARKS, AND OTHER PUBLIC PLACES OF THE CITY OF HAHIRA, GEORGIA, FOR CONSTRUCTING, MAINTAINING, RENEWING, REPAIRING, AND OPERATING A GAS WORKS AND GAS DISTRIBUTION SYSTEM, AND OTHER NECESSARY MEANS FOR MANUFACTURING, TRANSMITTING, DISTRIBUTING AND SELLING OF MANUFACTURED, NATURAL OR COMMINGLED GAS WITHIN AND THROUGH THE CITY OF HAHIRA, GEORGIA; AND FIXING THE TERMS AND CONDITIONS OF SUCH GRANT.

WHEREAS, the City of Hahira, Georgia, hereinafter referred to as City, and the undersigned warrant and represent that, with the exception of the franchise granted to Atlanta Gas Light Company, its successors and assigns, by ordinance passed May 13, 1964, for a period of thirty (30) years, which franchise was accepted by Atlanta Gas Light Company, Grantee, there is no franchise granted by the City in force and effect, to any other person, firm or corporation, and that the City is under no contract or obligation to any other person, firm or corporation, in anyway relating to the installation of gas service in the City of Hahira, Georgia; now, therefore:

BE IT ORDAINED by the Mayor and Council of the City of Hahira, Georgia, as follows:

SECTION 1. The exclusive right is hereby granted to the Grantee, its successors and assigns, to lay, construct, extend, maintain, renew, replace and repair gas pipes, valves, manholes, service boxes, posts, lamps, structures, appliances and all appurtenances and appendages under, along, through and across any streets, avenues, roads, public highways, alleys, lanes, ways, parks and other public places within the territorial limits of the city, and to use and occupy the said streets, avenues, roads, public highways, alleys, lanes, ways, parks and other public places for the the purpose of therein laying, constructing, extending, maintaining, renewing, replacing and

repairing mains, pipes, valves, manholes, service boxes, posts, lamps, structures, appliances and all appurtenances and appendages thereto, used and useful for the manufacture, transmission, distribution and sale of gas within and through the present or future territorial limits of the City, such exclusive right, when exercised as herein provided, to continue for thirty (30) years after date of approval of this ordinance.

SECTION 2. Grantee shall be entitled to charge for gas furnished by it such rates as are prescribed by the Public Service Commission or other lawful regulatory body of the State of Georgia.

SECTION 3. Grantee hereby agrees and covenants, for and in consideration of the rights and privileges herein granted to it, to pay within sixty (60) days following the end of each quarterly period to the City three percent (3%) of the gas sales receipts received by Grantee from customers served under all rate schedules except for interruptible rate schedules or interruptible contracts as defined and approved by the Georgia Public Service Commission (or any successor State regulatory group) within the territorial limits of the City during the preceding quarterly period. The City shall notify grantee of any annexations, de-annexations or other changes of the territorial limits of the City. Said notice shall be made within 30 days of any such change.

It is provided, however, that should the City require Grantee to pay any license fee or tax, excise tax, indirect tax, occupation tax, franchise tax, privilege tax, regulation charge or related fees, taxes or charges, excepting ad valorem taxes and business license taxes for appliance sales, the aggregate amount of such fees, taxes and charges shall be deducted in full by Grantee from the quarterly payment or payments subsequently accruing to the City. The quarterly periods for which such payments shall be made shall commence upon the first day of the month

immediately following proper adoption, acceptance and effectiveness of this franchise ordinance. The Mayor and Council of the City through its authorized representative or representatives shall have the right to inspect and audit the books and records of Grantee for the purpose of determining the amount of its revenues received from the sale of gas as set forth above within said territorial limits.

SECTION 4. All rights herein granted and authorized shall be subject to and governed only by this ordinance; provided, however, that the City expressly reserves unto itself all of its police power to adopt general ordinances necessary to protect the safety and welfare of the general public in relation to the rights hereby granted not inconsistent with the provisions of this ordinance.

SECTION 5. Grantee upon making an opening upon any of the streets, avenues, roads, public highways, alleys, lanes, ways, parks and other public places in the 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, roads, public highways, alleys, lanes, ways, parks and other places of said City.

SECTION 6. Grantee shall save and keep harmless the City from any and all liability by reason of damage or injury to any person or persons whomsoever, on account of negligence of the Grantee in the installation, maintenance and repair of its mains and pipe lines along said streets, avenues, roads, public highways, alleys, lanes, ways, parks and other public places in the City 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 7. This ordinance, after its passage according to law, in writing duly filed with the City Clerk, shall be effective and in full force after the date of acceptance by Atlanta Gas Light Company.

SECTION 8. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

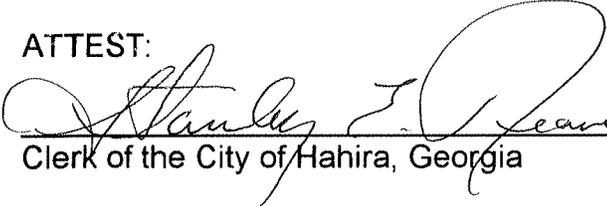
This ordinance adopted by the MAYOR/COUNCIL of the City of Hahira, Georgia, on the 7TH day of JULY, 1994.

Approved this 4TH day of AUGUST, 1994.

(SEAL)

  
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MAYOR of the City of Hahira, Georgia

ATTEST:

  
\_\_\_\_\_  
Clerk of the City of Hahira, Georgia

Recorded in the Minutes of the City of Hahira, Georgia, on Page \_\_\_\_\_, Book \_\_\_\_\_, on AUGUST 5, 1994.