

Ordinance No.
2

Mount Carmel, Tennessee

_____, 1962

The Board of Mayor and Aldermen of the Town of Mount Carmel, Tennessee met in regular session at its regular meeting place within said town on the _____ day of _____, 1962. Present were William J. Marshall, Mayor, and the following Aldermen:

Absent:

After the meeting had been called to order and the minutes of the last meeting read and approved, the following ordinance was introduced and read in full:

AN ORDINANCE, granting to The Natural Gas Utility District of Hawkins County, Tennessee, hereinafter designated as Grantee, its successors and assigns, the exclusive right and franchise to use and occupy the streets, avenues, roads, alleys, lanes, parks, and other public places and ways of the Town of Mount Carmel, Tennessee for constructing, maintaining, renewing, repairing, and/or operating a gas distribution system for transmitting, distributing, and/or selling of manufactured

or natural gas or commingled gas when delivered to consumers through its distribution system within the Town of Mount Carmel, Tennessee and transmitting same through the Town of Mount Carmel, Tennessee.

BE IT ORDAINED, by the Board of Mayor and Aldermen of the Town of Mount Carmel, Tennessee as follows:

SECTION I: The exclusive right and franchise is hereby granted to the Grantee, its successors and assigns, to lay, construct, extend, maintain, renew, replace and/or repair gas mains under, along, and/or across any streets, avenues, roads, alleys, lanes, parks, and other public places and ways in the Town of Mount Carmel, Tennessee and to use and occupy the said streets, avenues, roads, alleys, lanes, parks, and other public places and ways for the purpose of therein laying or constructing, extending, maintaining, renewing, replacing and/or repairing mains and pipes and all appurtenances and appendages thereto used and/or useful for the manufacture, transmission, distribution, and/or sale of gas within and/or through the present or future territorial limits of the Town of Mount Carmel, Tennessee, such right to continue for forty (40) years after the date of adoption of this Ordinance by the Board of Mayor and Aldermen of the Town of Mount Carmel, Tennessee.

SECTION II: All rights herein granted and/or authorized shall be subject to and governed only by this Ordinance; provided, however, the Board of Mayor and Aldermen of the Town of Mount Carmel expressly reserves unto themselves

all of their police power to adopt general ordinances necessary to protect the safety and welfare of the general public in relation to the rights herein granted not inconsistent with the provisions of this Ordinance.

SECTION III: The Grantee, upon making an opening upon any of the streets, alleys, or public ways of the Town of Mount Carmel, Tennessee for the purpose of laying pipes and/or maintaining gas mains shall use due care and caution to prevent injury to person 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 on the streets, alleys, and public ways of said Town of Mount Carmel, and the said Town may require the Grantee to execute an indemnity bond in such amount as it deems feasible, conditioned upon the said Grantee to faithfully perform this section.

SECTION IV: Said Grantee shall save and keep harmless the said Town from any and all liability by reason of damage or injury to any person or persons or property on account of negligence of the Grantee in the installation and maintenance of its main and pipe lines along said streets, alleys, and public ways, provided the Grantee shall have been notified in writing of any claim against the Town of Mount Carmel on account thereof and shall have been given ample opportunity to defend the same.

SECTION V: None of the rights and privileges herein granted and conveyed shall pass to the said Grantee unless said Grantee, within five years after the date when the Federal Power

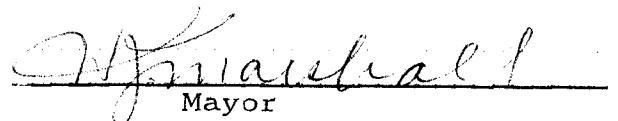
Commission shall authorize an allocation of natural gas to the Grantee sufficient to serve the presently contemplated needs of the Town of Mount Carmel, shall begin work of laying its pipes to convey gas to the residents of the Town of Mount Carmel and begins construction of its distribution system within said Town and exercises due diligence in the completion thereof.

SECTION VI: Nothing contained in this ordinance shall in any wise be construed as prohibiting the package sale of bottled gas within the territorial limits covered by this franchise by any or all other persons qualified to engage in such bottle or package sale and distribution of gas.

The sale and distribution of natural gas permitted Grantee under this ordinance is confined to the delivery of gas through its transmission lines.

SECTION VII: This ordinance shall be in full force and effect from and after its passage according to law and its acceptance by the Grantee, such acceptance to be in writing and filed with the Recording Secretary of the Town of Mount Carmel, Tennessee.

Passed and approved this _____ day of _____, 1962.


Mayor

ATTEST:

Recording Secretary

ORDINANCE NO. 2

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consumers through its distribution system within the Town of Mount Carmel, Tennessee and transmitting same through the Town of Mount Carmel, Tennessee.

BE IT ORDAINED, by the Board of Mayor and Aldermen of the Town of Mount Carmel, Tennessee as follows:

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SECTION II: All rights herein granted and/or authorized shall be subject to and governed only by this Ordinance; provided, however, the Board of Mayor and Aldermen of the Town of Mount Carmel expressly reserve unto themselves all of their police power to adopt general ordinances necessary to protect the safety and welfare of the general public in relation to the rights herein granted not inconsistent with the provisions of this Ordinance.

SECTION III: The Grantee, upon making an opening upon any of the streets, alleys, or public ways of the Town of Mount Carmel, Tennessee for the purpose of laying pipes and/or maintaining gas mains shall use due care and caution to prevent injury to person 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 on the streets, alleys, and public ways of said Town of Mount Carmel, and the said Town may require the Grantee to execute an indemnity bond in such amount as it deems feasible, conditioned upon the said Grantee to faithfully perform this section.

SECTION IV: Said Grantee shall save and keep harmless the said Town from any and all liability by reason of damage or injury to any person or persons or property on account of negligence of the Grantee in the installation and maintenance of its main and pipe lines along said streets, alleys, and public ways, provided the Grantee shall have been notified in writing of any claim against the Town of Mount Carmel on account thereof and shall have been given ample opportunity to defend the same.

SECTION V: None of the rights and privileges herein granted and conveyed shall pass to the said Grantee unless said Grantee, within five years after the date when the Federal Power Commission shall authorize an allocation of natural gas to the Grantee sufficient to serve the presently contemplated needs of the Town of Mount 'Carmel, shall begin work of laying its pipes to convey gas to the residents of the Town of Mount Carmel and begins construction of its distribution system within said Town and exercises due diligence in the completion thereof.

SECTION VI: Nothing contained in this ordinance shall in any wise be construed as prohibiting the package sale of bottled gas within the territorial limits covered by this franchise by any or all other persons qualified to engage in such bottle or package sale and distribution of gas.

The sale and distribution of natural gas permitted Grantee under this ordinance is confined to the delivery of gas through its trans-

mission lines.

SECTION VII: This ordinance shall be in full force and effect from and after its passage according to law and its acceptance by the Grantee, such acceptance to be in writing and filed with the Recording Secretary of the Town of Mount Carmel, Tennessee.

Passed and approved this _____ day of _____, 1962.

/s/ W.J. Marshall, Mayor

Attest:

Recording Secretary