

ORDINANCE NO. 1-3-12

AN ORDINANCE GRANTING A FRANCHISE FOR THE
OPERATION OF A GAS SYSTEM

BE IT ORDAINED BY THE CITY COUNCIL (the "Governing Body") OF THE CITY OF RAINSVILLE, Alabama (the "Municipality"), as follows:

Section 1. The Municipality hereby grants to The DeKalb-Cherokee Counties Gas District, its successors and assigns (the "District"), the right, privilege, authority and franchise to acquire, construct, own, maintain, enlarge, extend, improve and operate a gas system in the Municipality (including facilities for the manufacture of gas and for the transmission and distribution of manufactured and natural gas, either or both), for the purpose of supplying gas to the Municipality and the surrounding territory and the inhabitants thereof and to use the streets, avenues, alleys and public ways and places in the Municipality for such purposes.

Section 2. The Municipality hereby grants to the District the right, privilege, authority and franchise at any time and from time to time during the period covered by this franchise and without any requirement as to permit or fee therefore to construct and extend its mains, pipes and conduits over or under or along any street, avenue, alley or public way or place in the Municipality for the purpose of constructing, repairing, improving, enlarging, or extending the said system.

Section 3. The Municipality hereby consents and agrees that the franchise hereby granted may be transferred under any Mortgage or Indenture of Trust providing for and securing any bonds of the District, including any refinancing, or refunding bonds, and that any such mortgages or indentures of trust shall constitute a lien thereon and that it may be transferred or assigned subject to the conditions thereof; but such franchise shall not otherwise be transferred or assigned.

Section 4. The District shall, and by accepting this franchise agrees that it will, upon making any excavation in the streets, avenues, alleys, public ways and places of the Municipality in the exercise of this franchise, restore the surface and paving at the point of such excavation in substantially the same condition as before the work was done within a reasonable time after completion of such work and will save the Municipality harmless from any liability arising out of any change in the condition of any street, avenue, alley, public way or place by the District.

Section 5. The provisions of this ordinance are intended to be severable and, if any one or more thereof should be held invalid for any reason, the rest shall nevertheless stand and be fully effective.

Section 6. This ordinance shall be published at the expense of the District in one issue of the Mountain Valley News, which is a newspaper published and having general circulation in the Municipality.

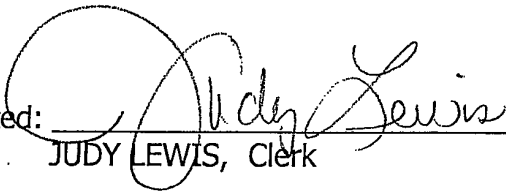
Section 7. All ordinances, resolutions or orders or parts thereof in conflict with this ordinance are hereby repealed to the extent of such conflict.

This 3rd day of Jan, 2012.

APPROVED:


DONNIE CHANDLER, Mayor

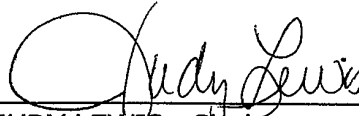
SEAL

Attested: 
JUDY LEWIS, Clerk

CERTIFICATE

I, hereby certify that the above and foregoing ordinance was published in the issue of the Mountain Valley News dated Jan. 12, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official corporate seal of said Municipality.


JUDY LEWIS, Clerk

SEAL