

ORDINANCE NO. 145

AN ORDINANCE granting to Nashville Gas Company, a division of Piedmont Natural Gas Company, Inc., its successors and assigns the right, privilege, authority and consent to place, construct, erect, acquire, extend, maintain, repair and relocate gas lines, works, mains, apparatus and all necessary fixtures under, through, over, along and across the streets, roads, alleys, bridges and viaducts, within the present or future limits of the Town of Ashland City, Tennessee, in Cheatham County for the purpose of conveying, transporting, distributing, selling and supplying fuel gas including but not limited to natural, manufactured and mixed gas.

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ASHLAND CITY, TENNESSEE, THAT Nashville Gas Company, a division of Piedmont Natural Gas Company, Inc., its successors and assigns (hereinafter called Grantee), be, and is hereby granted the exclusive right, privilege, authority and franchise to place, construct, erect, acquire, extend, maintain, repair, relocate and operate gas lines, works, mains, apparatus and all necessary fixtures, connections and appurtenances under, through, over, along and across any of the streets, roads, alleys, bridges and viaducts now or hereafter owned, dedicated or used within the limits of the Town of Ashland City as they now or hereafter may exist and to sell, distribute and store gas, in the Town of Ashland City, as the boundaries thereof are now established and may hereafter be extended. "Gas" as used herein shall mean any fuel gas, including but not limited to natural, manufactured and mixed.

SECTION 2. BE IT FURTHER ORDAINED, that no person, company or corporation shall be permitted to make any connections with any of the distribution pipes or service pipes of the Grantee unless duly authorized by the Grantee to do so. In making repairs or constructing new work, the Grantee shall have the right to shut off the gas, and keep the same shut off for such time as may be necessary to accomplish this purpose.

SECTION 4. BE IT FURTHER ORDAINED, that the Grantee, in installing, maintaining, and inspecting its pipes and other equipment for transmitting gas to the consumers of the Town of Ashland City, shall so install, repair, and maintain said system with as little interference as reasonably necessary. When said pipes and other equipment have been installed, repaired or inspected, said streets, alleys, sidewalks and other public places shall be restored as nearly as possible to the same condition as before the work. All pavement and sidewalk replacement required to accomplish this end shall be done by the Grantee at its own expense, through its own forces or by the employment of competent contractors so as to restore or leave the streets or alleys in as nearly as possible the same condition as they were prior to the excavation.

SECTION 5. BE IT FURTHER ORDAINED, that in consideration of the right, privilege and franchise herein granted, the Grantee will pay to the Town of Ashland City an amount equal to five percent (5%) of the annual gross revenues from all gross revenues excluding revenues from residential customers who are located within the limits of the Town of Ashland City. Residential customers are those customers as defined in the Grantee's tariffs on file with the Tennessee Public Service Commission as "single private residences, including the separate private units of apartment houses and other multiple dwellings, actually used for residential purposes, which are separately metered." The payment of said fee shall be due on a calendar year basis and the first payment shall be made by the Grantee on or before January 31, 1997. Thereafter, payment shall be due on the 31st day of January of each year during the term of this franchise for the prior calendar year.

SECTION 6. BE IT FURTHER ORDAINED, that the Grantee will be furnished a certified copy of this Ordinance upon its adoption and the said Grantee shall, by its legally constituted representatives, file with the Recorder of the Town of Ashland City, within thirty (30) days from the date when this Ordinance shall take effect, a written acceptance of this grant, with all of its

SECTION 7. BE IT FURTHER ORDAINED, that in all transfers or assignments, the Grantee may transfer or assign this franchise only after obtaining the written consent of the Town of Ashland City, which consent shall not be unreasonably withheld.

SECTION 8. BE IT FURTHER ORDAINED, that if any section or portion of this Ordinance shall hereafter be declared or determined by a court of competent jurisdiction to be unconstitutional or invalid or the applicability thereof to any persons or circumstances is held to be invalid, the remaining portions of this Ordinance and the applicability thereof to other persons and circumstances shall not be affected.

SECTION 9. BE IT FURTHER ORDAINED, that this Ordinance take effect from and after its passage, the public welfare requiring it.

Passed 1st Reading December 12, 1995

Passed 2nd Reading January 23, 1996

Mary Greyson  
Mayor

Demetra O'Neal  
Clerk