

ORDINANCE NUMBER 99-44

AN ORDINANCE GRANTING TO THE UNICOI COUNTY UTILITY DISTRICT OF UNICOI 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 Unicoi, Unicoi County, Tennessee, for construction, 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 Unicoi, Unicoi County, Tennessee, and transmitting same through the Town of Unicoi, Unicoi County, Tennessee.

BE IT ORDAINED BY THE TOWN OF UNICOI, TENNESSEE, AS FOLLOWS:

SECTION 1. That 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 pipes and gas mains, under, along and/or across any streets, avenues, roads, alleys, lanes, parks, and other public places and ways in the Town of Unicoi, Unicoi County, Tennessee, and to use and occupy said streets, avenues, roads, alleys, lands, 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 Unicoi, Unicoi County, Tennessee, such right to continue for twenty (20) years after the date of the passage of this ordinance by the Board of Mayor and Aldermen of the Town of Unicoi, Unicoi County, Tennessee.

SECTION 2. All rights herein granted and/or authorized shall be subject to and governed only by this Ordinance provided, however, the Town of Unicoi expressly reserves unto itself all of its police powers 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 3. The Grantee, subject to the approval of the Town of Unicoi, Unicoi County, Tennessee, is authorized to make openings upon the streets, alleys, or public ways of said Town for the purpose of laying pipe and/or maintaining gas mains, and in the performance of such work shall use due care and caution to prevent injuries or damages to persons and property, and shall replace and restore all public ways to their former condition as nearly as practicable, in a manner which shall be subject to the approval of the Town of Unicoi, and within a reasonable time and shall not unnecessarily obstruct or impede traffic on the streets, alleys,

and public ways of said Town of Unicoi, Tennessee.

SECTION 4. That said Grantee shall save and keep harmless the Town from any and all liability by reason of damage or injury to any person or persons whatsoever on account of negligence of the Grantee in the installation and maintenance of its mains and pipe lines along said streets, alleys and public ways, provided, the Grantee shall have been notified in writing of any claims against the Town of Unicoi, Unicoi County, Tennessee, on account thereof, and shall have been given ample time and opportunity to defend the same.

SECTION 5. 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 6. BE IT FURTHER ORDAINED, that this ordinance take effect from and after its passage, the public welfare requiring it.

BE IT FURTHER ORDAINED that if any part of this Ordinance be held or declared invalid or unconstitutional, it shall not affect the validity or the constitutionality of any other provision thereof, this Board of Mayor and Aldermen hereby declaring that it would have enacted this ordinance with such invalid or unconstitutional provision elided therefrom.

Passed First Reading: June 21, 1999
Passed Second Reading: July 19, 1999
Passed Third Reading: N/A

Approved and signed in open meeting on this 19th day of July, 1999

Charles M. Hensley
CHARLES HENSLEY, MAYOR

ATTEST:

Marcia V. Johnson
RECORDER

After discussion of the foregoing ordinance, Alderman Hopson
moved its adoption. The motion to adopt was seconded by Alderman Street,
and upon roll call the following voted:

AYE:

Hopson

Street

Lynch

Edwards

Wensley

OPPOSED:

The mayor declared the ordinance duly passed and requested the Recorder to immediately transmit a certified copy of the ordinance to the Unicoi County Utility District of Unicoi County.