

publication.

SECTION 9. All ordinances, resolutions or orders or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

W. L. Hooper  
Mayor

S E A L

Attest: Olin E. Sheppard  
City Clerk

I, the undersigned City Clerk of the City of Roanoke, do hereby certify that the foregoing ordinance bearing the approving signature of the Mayor was published by me in the " \_\_\_\_\_", in the issue of \_\_\_\_\_, 1951, in accordance with the requirements of Section 8 of said ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official corporate seal of the City. Olin E. Sheppard  
CITY CLERK, ROANOKE, ALABAMA

I, Olin E. Sheppard, Clerk of the City of Roanoke, Alabama, hereby certify that the above and foregoing Ordinance No. 396 was passed and adopted by the Mayor and City Council of the City of Roanoke, Alabama, on the 27th day of February 1951, and was herein recorded and was published in the Roanoke Leader, a newspaper of general circulation in the City of Roanoke, Alabama, on the 1st day of March, 1951.

Olin E. Sheppard  
Clerk, City of Roanoke, Alabama

ORDINANCE # 397

AN ORDINANCE GRANTING AN EXCLUSIVE FRANCHISE FOR THE OPERATION OF A NATURAL GAS TRANSMISSION AND DISTRIBUTION SYSTEM IN THE CITY OF ROANOKE TO THE WATER WORKS AND GAS BOARD OF THE CITY OF ROANOKE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROANOKE, as follows:

Section 1. That the City of Roanoke hereby grants to the Water Works and Gas Board of the City of Roanoke, its successors and assigns, the right, privilege, authority and franchise to acquire, construct, own, maintain, enlarge and operate a natural gas transmission and distribution system in the City of Roanoke, Alabama, for the purpose of supplying gas to the City of Roanoke and the surrounding territory and the inhabitants thereof and to use the streets, avenues, alleys and public ways and places in said City for such purposes.

Section 2. That the City of Roanoke hereby grants to said Board 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 therefor to construct and extend its mains, pipes and conduits over or under or along any street, avenue, alley or public way or place in said City for the purpose of constructing, repairing, improving, enlarging, or extending said natural gas transmission and distribution system.

Section 3. That the City of Roanoke hereby consents and agrees that the franchise hereby granted shall be covered by any mortgage or deed or indenture of trust executed by the said Board for the purpose of securing funds with which to acquire, construct, extend, improve or operate said natural gas transmission and distribution system and that any such mortgage or deed or indenture 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. That the Water Works and Gas Board of the City of Roanoke shall, and by accepting this franchise, agrees that it

will construct and operate said natural gas transmission and distribution system and keep it in good repair and operating condition so as adequately to supply the reasonable needs of the City of Roanoke and its inhabitants at all times.

Section 5. That the Water Works and Gas Board of the City of Roanoke shall, and by accepting this franchise, agrees that it will, upon making any excavation in the streets, avenues, alleys, public ways, and places of said City 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 thereafter and will save the City harmless from any liability arising out of any change in the condition of any street, avenue, alley, public way or place by the said Board.

Section 6. That the rights, privileges, authorities and franchise hereby granted shall continue in force and effect for a period of thirty years from the effective date of this ordinance or until the principal of and interest on any bonds or obligations (including any refunding bonds or obligations) issued by said Board for the purpose of securing funds with which to acquire, construct, enlarge, improve, maintain or operate said natural gas transmission and distribution system shall have been paid in full, whichever shall be the longer period permitted by law, all subject, however, to terms and provisions of Article 5, Chapter 7, Title 37, of the Alabama Code of 1940, as amended, and Act No. 154, General Laws of Alabama, approved July 22, 1947 (Acts of 1947, pp. 48-56).

Section 7. This franchise shall be exclusive, and the City hereby covenants and agrees not to grant any franchise for a gas plant or system during the term of the franchise hereby granted, insofar as an exclusive franchise now is or may hereafter be authorized or permitted by law to a public corporation such as

the Water Works and Gas Board of the City of Roanoke.

Section 8. That 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 9. This ordinance shall be published in the issue of the " \_\_\_\_\_ ", a newspaper published and of general circulation in the City of Roanoke, Alabama, one time at the expense of the Water Works and Gas Board of the City of Roanoke.

Section 10. All ordinances, resolutions or orders or parts thereof in conflict with this ordinance are hereby repealed to the extent of such conflict.

K. L. Hooper  
Mayor

S E A L

Attest:

Olin E. Sheppard  
City Clerk

I, the undersigned City Clerk of the City of Roanoke, do hereby certify that the foregoing ordinance, bearing the approving signature of the Mayor was published by me in the " \_\_\_\_\_ " in the issue of \_\_\_\_\_, 1951, in accordance with the requirements of Section 9 of said ordinance.

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

Olin E. Sheppard  
City Clerk

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I, Olin E. Sheppard, Clerk of the City of Roanoke, Alabama, hereby certify that the above and foregoing Ordinance No. 397 was passed and adopted by the Mayor and City Council of the City of Roanoke, Alabama,

on the 27th day of February 1951, and was herein recorded and was published in the Roanoke Leader, a newspaper of general circulation in the City of Roanoke, Alabama, on the 1st day of March, 1951.

Olin E. Sheppard  
Clerk, City of Roanoke, Alabama

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ORDINANCE # 398

A RESOLUTION APPROVING AND CONSENTING TO THE AMENDMENT OF THE CERTIFICATE OF INCORPORATION FOR THE WATER WORKS BOARD OF THE CITY OF ROANOKE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROANOKE:

Section 1. That the amendment of the Certificate of Incorporation of the Water Works Board of the City of Roanoke, approved by resolution of the Board of Directors of said Board, duly adopted on \_\_\_\_\_, 1951, and changing the name of the corporation to the "Water Works and Gas Board of the City of Roanoke" and granting said Board full power and authority over gas systems and under Act No. 154, General Laws of Alabama, approved July 22, 1947, Acts of 1947, pp. 48-56, be and the same hereby is in all respects approved and the City Council does hereby consent to such amendment.

W. L. Hooper  
Mayor

S E A L

Olin E. Sheppard  
City Clerk

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I, Olin E. Sheppard, Clerk of the City of Roanoke, Alabama, hereby certify that the above and foregoing Ordinance No. 398 was passed and adopted by the Mayor and City Council of the City of Roanoke, Alabama, on the 27th day of February 1951, and was herein recorded and was pub-