

AN ORDINANCE TO BE ENTITLED:

An ordinance granting to West Florida Gas and Fuel Company, a corporation, its successors and assigns, the right and franchise to maintain and operate a gas transmission and distribution system for natural, manufactured and commingled gases, in the City of Springfield, Florida, and to construct, maintain, operate and extend gas transmission and distribution pipe lines in the streets and public places of said city, providing the terms and conditions of such grant; and calling an election for the approval or disapproval of such ordinance.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF SPRINGFIELD IN BAY COUNTY, FLORIDA:

SECTION 1: In consideration of the benefits that will accrue to the City of Springfield, Florida, and the inhabitants thereof, West Florida Gas and Fuel Company, a corporation under the laws of the State of Florida, its successors and assigns, hereinafter sometimes referred to as the "grantee", is hereby given, granted and vested with the right, authority, easement, privilege and franchise to construct, erect, suspend, install, extend, renew, repair, maintain, operate and conduct in said City of Springfield, Florida, a plant or plants and system for the manufacture, transmission and distribution of natural, manufactured and commingled gases for all purposes whatsoever.

SECTION 2: The said grantee, its successors and assigns, is hereby given, granted and vested with the right, authority, easement, privilege and franchise to construct, erect, install, extend, renew, repair, maintain, operate and conduct in said City of Springfield, Florida, a gas distribution system of tanks, pipe lines, pumps, fittings, meters, appliances and appurtenances, without limitation, necessary or desirable to the transmission, distribution or sale of natural, manufactured and commingled gases, for all purposes whatsoever, in, over, under, along, upon and across all streets, avenues, alleys, ways, bridges and public places in said City of Springfield, as they now exist or as they may hereafter be laid out or extended within the present and future limits of

said city, together with the further right, privilege and franchise to construct, erect, install, extend, renew, repair, maintain and operate a gas distribution system of tanks, pipe lines, pumps, fittings, meters, appliances and appurtenances, without limitation, necessary or desirable to the manufacture and transmission within, unto, through, over and beyond said City of Springfield, and to the furnishing, supplying and distributing to said City of Springfield and to the inhabitants and corporations, both within and beyond the limits thereof, of natural, manufactured and mingled gases for lighting, heating, cooking, refrigeration, power and all other purposes for which gas may be used now or hereafter, and for the purpose of extending its pipe lines and furnishing gas beyond the limits of said city.

SECTION 3: As a further consideration for the granting of the rights, privileges and franchises granted hereby, the grantee, its successors and assigns, shall pay to the said city within thirty (30) days after the first anniversary date of this grant and within thirty (30) days after each succeeding anniversary date of this grant, an amount which, added to the amount of all taxes (other than ~~any~~ ~~excise~~ excise taxes on sales payable by the public generally), licenses and other impositions and exactions levied or imposed by the said City upon grantee's property, business or operations for the preceding year, will equal five (5%) per cent of grantee's revenues received from its sales of gas to customers served by the gas distribution system, to be hereafter constructed, according to its residential and commercial rate schedules, within the corporate limits of said city for the twelve (12) fiscal months preceding the applicable anniversary date.

SECTION 4: The tanks, pipe lines, pumps, fittings, meters, appliances and appurtenances shall be so constructed as not to unreasonably interfere with the proper use of the streets, avenues,

alleys, ways, bridges and public places in the City and shall be maintained in reasonably good condition and repair.

SECTION 5: Whenever the grantee shall cause any opening or alteration to be made in any street, avenue, alley, way, bridge or public place of the City for the purpose of installing, maintaining, operating or repairing any tanks, pipe lines, pumps, fittings, meters, or other appliances, the work shall be completed within a reasonable time and the grantee shall, upon the completion of such work, restore such portion of the streets, avenues, alleys, ways or other public places to as good condition as it was before the opening and/or alteration was so made.

SECTION 6: The grantee shall hold the City harmless from any and all liability or damages resulting from the negligence of the grantee in the construction, maintenance or operation of said tanks, pipe lines, pumps, fittings, meters, appliances and appurtenances.

SECTION 7: The grantee may, from time to time, declare, make and enforce reasonable rules and regulations as conditions for the sale, transmission and distribution by it of natural, manufactured and commingled gases.

SECTION 8: The grantee shall commence construction of a gas transmission system hereunder, not later than the date, when natural gas in adequate quantities to serve the residents and industries of the City of Springfield is available for delivery to the grantee at the corporate limits of said city and grantee shall diligently prosecute and complete the construction of said system thereafter. In event, after the construction of such gas transmission system, the supply of gas should be interrupted or fail by reason of accident or any cause beyond the reasonable control of grantee including, without limitation, Acts of God, Acts of War and the public enemy, condemnation, strikes, lockouts, labor disputes and mechanical failures, such interruption shall

not constitute a breach of this franchise, nor shall the grantee be liable for any loss or damages by reason of such interruption or failure, provided however, such service shall be restored as soon as the same reasonably can be accomplished, having due regard to the conditions existing and the legal rights of the grantee.

SECTION 9: The grantee shall install and maintain, free of charge, meters for measuring gas, and shall have free access to the premises of the consumers, from time to time, for the purpose of reading, repairing and testing and maintaining the meters and appurtenances. Such meters shall remain the property of the grantee.

SECTION 10: The franchise granted by this Ordinance shall exist and continue for a period of thirty (30) years only, and as a condition precedent to the taking effect of this grant, the said City of Springfield does hereby reserve, and the grantee gives and grants to the said municipality, the right at and after the expiration of said term to purchase the tanks, pipe lines, pumps, fittings, meters, appliances and appurtenances or other property used in connection with the franchise hereby granted or such part of such property as the municipality may desire to purchase at a valuation to be fixed in accordance with the provisions of Section 167.22, Florida Statutes, and grantee by its acceptance of this Ordinance shall be deemed to have granted and given the municipality such right of purchase; and the franchise granted by this Ordinance is also subject to all provisions and conditions of the charter of said City of Springfield.

SECTION 11: Upon the annexation to the said City of Springfield of any territory not within any other incorporated city or town, any portion of the gas distribution system of the grantee that may be located within such annexed areas and upon the streets, alleys or public grounds thereof shall thereafter be

subject to all of the terms of this Ordinance as though such portion were an extension made under this Ordinance.

SECTION 12: Whenever in this Ordinance either the City of Springfield or the grantee is named or referred to, it shall be deemed to include the respective successor, successors or assigns of either, and all rights, privileges and obligations herein conferred shall bind and inure to the benefit of such successor, successors or assigns of said City or of the grantee.

SECTION 13: This Ordinance is adopted and the franchise rights and privileges herein set forth are granted pursuant to applicable laws.

SECTION 14: This Ordinance, (except for the purpose of holding an election as hereinafter provided), and the franchises, rights and privileges granted thereby shall not become effective in any way until this Ordinance shall have been approved by the vote of a majority of the legally qualified freeholders of the City of Springfield voting thereon in an election to be held as provided by law.

SECTION 15: A special municipal election is hereby called to be held in the City of Springfield, Florida, on August 11, 1959 at which election this Ordinance shall be submitted as provided by law for the approval or disapproval of the voters legally qualified to vote at such election. The Mayor and City Clerk shall publish a notice of said election in a newspaper published in Bay County, Florida, once a week for four consecutive weeks, commencing at least thirty days prior to the said election, in substantially the following form, to-wit:

"Notice of Election"

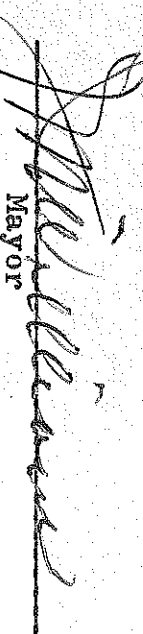
"Notice is hereby given that by ordinance adopted by the City Commission of the City of Springfield, Florida, on July 6, 1959 \_\_\_\_\_ an election has been called for, and will be held on

August 11, 1959 for the approval or disapproval, by a majority of the freeholders of the City of Springfield, qualified to vote and voting at such election, of an ordinance granting a gas franchise to West Florida Gas & Fuel Company, a corporation, its successors and assigns, adopted by the City Commission of the City of Springfield, Florida, on July 6, 1959, entitled:

An ordinance granting to West Florida Gas and Fuel Company, a corporation, its successors and assigns, the right and franchise to maintain and operate a gas transmission and distribution system for natural, manufactured and commingled gases, in the City of Springfield, Florida, and to construct, maintain, operate and extend gas transmission and distribution pipe lines in the streets and public places of said city, providing the terms and conditions of such grant; and calling an election for the approval or disapproval of such ordinance."

ATTEST:

  
CITY CLERK

  
Mayor

SECTION 16: The City Clerk as Registration Officer is hereby directed to prepare for use at said election as required by law, lists of the voters qualified to vote thereat.

SECTION 17: The grantee, its successors and assigns, shall within ninety (90) days after the City Commission shall have declared the approval of this ordinance at said election, file a written acceptance of this ordinance with the City Clerk.

ADOPTED AND PASSED this 6th day of July, 1959.

ATTEST:

  
CITY CLERK

  
Mayor



NOTICE OF ACCEPTANCE

WHEREAS, Ordinance No. 104 of the City of Springfield in Bay County, Florida, granted to the undersigned, West Florida Gas and Fuel Company, a corporation, a franchise to maintain and operate a gas transmission and distribution system for natural, manufactured and co-mingled gases in the City of Springfield, along with other privileges, and

WHEREAS said ordinance was duly passed and has now been approved by a majority vote of the freeholders in an election held on August 11, 1959, and

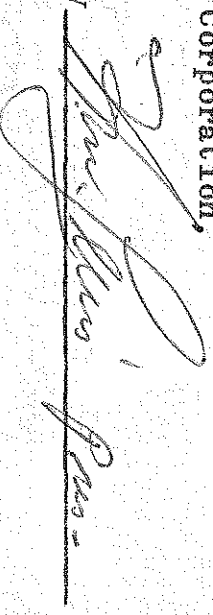
WHEREAS it is the desire of the undersigned to accept said ordinance and franchise and rights and privileges granted thereby, NOW, THEREFORE,

NOTICE IS HEREBY GIVEN to the City Commission of the City of Springfield in Bay County, Florida, that the undersigned West Florida Gas and Fuel Company, a corporation, does hereby by this instrument accept Ordinance No. 104 of the City of Springfield in Bay County, Florida, and all of the rights and privileges granted thereunder, and agrees to be bound thereby.

THIS ACCEPTANCE DATED this 27 day of August, A.D. 1959, in Panama City, Bay County, Florida.

WEST FLORIDA GAS AND FUEL COMPANY,  
A Corporation,

By

  
\_\_\_\_\_

ATTEST:   
Secretary

This Acceptance received and filed by the City Clerk of the City of Springfield on this 8 day of September, 1959.

  
\_\_\_\_\_

Posted at:

Date

City Hall

July 8, 1959

Ray Warrens Service Station

July 8, 1959

Texaco Station

July 8, 1959

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