

AN ORDINANCE GRANTING ARKANSAS LOUISIANA GAS COMPANY THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE A NATURAL GAS DISTRIBUTION SYSTEM AND TO USE THE PUBLIC STREETS AND PUBLIC GROUNDS FOR THAT PURPOSE

IT IS ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DUBACH, LOUISIANA:

That Arkansas Louisiana Gas Company, its successors and assigns, hereinafter called "Grantee", are hereby granted the right to construct, maintain and operate in this Municipality a system for the transportation, distribution and sale of natural gas and to use, and excavate in, the public streets, sidewalks, alleys and grounds for that purpose, for a period of twenty-five (25) years from the date of this ordinance, subject to acceptance of this ordinance by Grantee by written notice to the Mayor within ninety (90) days after the date this ordinance is passed, published, and approved as required by law.

The system shall be installed and operated in a workmanlike manner, and this Municipality shall be held harmless from any damages caused by the negligence of Grantee's employees in the course of their employment. Grantee shall tunnel beneath paved streets, sidewalks and alleys wherever practical in laying and replacing mains. Grantee shall refill its excavations and restore sidewalks and pavements promptly, and if this is not done within a reasonable time then it may be done by this Municipality at Grantee's expense. Grantee's lines shall be laid so as not to interfere with the present sewer system, and if a new sewer line crosses Grantee's pipeline at the same level, then this Municipality may, if Grantee has not done so after the reasonable notice, raise or lower Grantee's line at Grantee's expense but only under Grantee supervision. This Municipality may inspect Grantee's construction work at any time, or have said work inspected by a qualified engineer.

Grantee shall deliver gas to the consumer at the curb line, or within 10 feet of the property line where no curb line has been determined, and all service pipes and facilities necessary to receive and utilize the gas at that point shall be furnished and maintained by the consumer, except that Grantee shall furnish and connect the gas meter. Title to all equipment installed by Grantee shall remain in Grantee. Grantee shall extend its mains to serve new customers where reasonably assured of enough new customers and revenues therefrom to justify the capital expenditure necessary to establish the service. Grantee may promulgate and enforce reasonable rules, regulations and requirements governing the sale, delivery, receipt and use of gas furnished by Grantee and the commencement and discontinuance of gas service.

Grantee's rates currently effective in the Town of Dubach for gas service shall continue in effect until raised or lowered in the manner provided by law.

In consideration of this grant, Grantee shall pay to the Town of Dubach 2% of the gross proceeds of the revenues collected after Grantee's acceptance of this ordinance and during the term hereof from domestic and commercial customers in the Town of Dubach as presently defined and classified in the presently existing rate schedules in effect in the Town of Dubach for gas sold to such customers. Amounts due hereunder shall be computed quarterly for the periods ending March, 31, June 30, September 30, and December 31, and payments shall be made within thirty (30) days after the expiration of the quarter with respect to which the payment is due. If Grantee should ever become liable for any additional license, occupation, or excise tax, inspection fees, or other tax, fee, levy or charge of similar nature levied, collected or received by this Municipality or by any authority for the benefit of this Municipality, upon Grantee's privilege of occupying the streets and public places of its business or activity or its sale and/or distribution of gas within this Municipality (other than ad valorem taxes and present occupation license), the payments hereinabove provided for shall be reduced by the amount of such new taxes, fees, levies, or charges.

Effective on the date this ordinance is accepted by Grantee, it shall supersede Ordinance No. 139 adopted by this Municipality on January 4, 1955 granting to Grantee the fran-

Municipality (other than ad valorem taxes and present occupation license), the payments hereinabove provided for shall be reduced by the amount of such new taxes, fees, levies, or charges. 148

Effective on the date this ordinance is accepted by Grantee, it shall supersede Ordinance No. 139 adopted by this Municipality on January 4, 1955 granting to Grantee the franchise under which it has been operating in Dubach.

The provisions hereof are intended to be separate and severable, and the holding of any portion hereof to be invalid shall not affect the other portions.

PASSED AND APPROVED THIS 11 DAY OF October, 1965.

ATTEST:

Marian Fowler  
Clerk

J. M. Lake  
Mayor