

ORDINANCE NO. _____

AN ORDINANCE ENTITLED “AN ORDINANCE GRANTING TO THE MIDDLE TENNESSEE NATURAL GAS UTILITY DISTRICT, HEREINAFTER DESIGNATED AS THE GRANTEE, ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND PRIVILEGE TO USE AND OCCUPY THE STREETS, AVENUES, ROADS, ALLEYS, AND OTHER PUBLIC WAYS WITHIN THE CORPORATE LIMITS OF THE CITY OF CROSSVILLE, TENNESSEE, AS PRESENTLY CONSTITUTED OR HEREINAFTER EXPANDED OR CONTRACTED FOR CONSTRUCTING, MAINTAINING, RENEWING, REPAIRING, AND/OR SELLING OF MANUFACTURED OR NATURAL GAS OR COMMINGLED GAS, OR ANY GAS ENERGY DELIVERED TO CONSUMERS THROUGH ITS DISTRIBUTION SYSTEM OR IN ANY FASHION WITHIN THE CORPORATE LIMITS OF THE CITY OF CROSSVILLE, TENNESSEE, AND TRANSMITTING SAME THROUGH THE CORPORATE LIMITS OF THE CITY OF CROSSVILLE, TENNESSEE.”

WHEREAS, Middle Tennessee Natural Gas Utility District hereinafter referred to as “MTNGUD” was granted the privilege to lay, construct, extend, maintain, renew, replace, and/or repair gas pipes and gas mains under, along and across any streets, avenues, roads, alleys, and other public ways of the City of Crossville, Tennessee, by City Ordinance No. 195 on October 8, 1955; and,

WHEREAS, the public convenience and necessity require that MTNGUD continue to be provided access to use and occupy these public ways within the corporate limits of the City of Crossville, Tennessee; and,

WHEREAS, MTNGUD has obtained rights of way to bring additional natural gas supply to the City of Crossville via a new pipeline to be constructed at great expense to MTNGUD; and

WHEREAS, MTNGUD secured the passage of a Public Act of the Tennessee General Assembly adding an additional commissioner to its Board. The commissioner named is from Cumberland County, Tennessee; and

WHEREAS, MTNGUD has pledged to continue improving its natural gas system both within and outside the corporate limits of the City of Crossville in order to meet the anticipated demands from growth within the City of Crossville; and

NOW, THEREFORE, BE IT ENACTED by the Mayor and City Council governing the municipal corporation of the City of Crossville, Tennessee, as follows:

SECTION I: The right and privilege is hereby extended to MTNGUD, its successors and assigns, to lay, construct, extend, maintain, renew, replace, and/or repair gas pipes and gas mains under, along and/or across streets, avenues, roads, alleys, bridges, and other public ways of the municipal corporation of the City of Crossville, Tennessee, and to use and occupy the said streets, avenues, roads, alleys, bridges, and other public ways to the extent necessary for the purpose of herein laying or constructing, extending, maintaining, renewing, replacing, expanding, and/or repairing mains and pipes and all appurtenances and appendages thereto used and/or useful for delivering any gas energy to consumers through its distribution system or any other method or manner within and/or through the present or future territorial limits of municipal corporation of the City of Crossville, Tennessee, such right and privilege shall be for a period of twenty-five (25) years beginning from the final passage of this Ordinance, subject only to such limitations as are new or as hereinafter may be provided by law.

SECTION II: All rights herein granted and/or authorized shall be subject to and governed only by this Ordinance; provided, however, the Mayor and Council for the City of Crossville, Tennessee, expressly reserve unto themselves all of their 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 III: MTNGUD, upon making an opening upon any of the streets, alleys, or public ways of the City of Crossville, Tennessee, for the purpose of laying pipes, and/or maintaining gas mains, or for other necessary reasons, shall use due care and caution to prevent injury to person and/or property and shall replace and restore all public ways to their former condition as nearly as practicable and within a reasonable time, and shall not unnecessarily obstruct or impede traffic on the streets, alleys and/or public ways of the City of Crossville, Tennessee.

SECTION IV: MTNGUD shall save and keep harmless the City of Crossville from any and all liability by reason of damage or injury to any person or persons and/or property whatsoever on account of negligence of MTNGUD, its agents or servants, in the installation and maintenance of its mains and pipe lines along said streets, alleys, and public ways within the present or future territorial limits of the City of Crossville, Tennessee to the extent allowed by Tennessee law including the liability limits found in the Governmental Tort Liability Act.

SECTION V: In the event it becomes necessary or expedient for the City of Crossville to change the course or grade of any highway, street, avenue, road, alley way, parkway, or other public ground in which MTNGUD is maintaining gas pipes, mains or other appliances or fixtures, then, upon the written request of the City of Crossville, MTNGUD will remove or change the location or depth of such facilities as necessary to conform to the proposed street alteration at MTNGUD's expense.

SECTION VI. MTNGUD shall appear before the Mayor and City Council upon request to report on planned improvements, extensions, system expansion, or other matters of public concern. In addition, MTNGUD will endeavor to coordinate expansion and repair activities with City of Crossville public works projects.

SECTION VII. This Ordinance shall be in full force and effect, from and after its acceptance by the grantee shall be implied from the continued provision of the services described herein after the enactment of this Ordinance.

MAYOR

COUNCILMEMBER

COUNCILMEMBER

COUNCILMEMBER

COUNCILMEMBER

ATTEST:

APPROVED AS TO FORM:

CITY CLERK

CITY ATTORNEY

Passed on 1st reading:

Passed on 2nd reading:

Passed on 3rd and final reading:

