

ORDINANCE NO. 21-004
GRANTING A FRANCHISE TO SPIRE ALABAMA INC.
ITS SUCCESSORS AND ASSIGNS,
IN THE TOWN OF COOSADA, ALABAMA

BE IT ORDAINED by the Mayor and the Town Council of the Town of Coosada, Alabama, as follows:

Section 1. In consideration of the benefits to accrue to said Town of Coosada, Alabama (the "Town") and the inhabitants thereof, Spire Alabama Inc., its successors and assigns (the "Company") is hereby given, granted and vested with the rights, authority, privileges and franchises hereinafter set forth.

Section 2. The Company is hereby given, granted and vested with the right, authority, easement, privilege and franchise to construct, own, maintain, operate, extend and enlarge in the Town a plant or system for the transmission, distribution and sale of gas for all purposes whatsoever in and through the Town; and the consent of the Town acting through the Mayor and the Town Council, who are the proper authorities of the Town is hereby given to the Company to use the streets, avenues, alleys, ways, bridges, viaduct, underpass and other public places ("Public Infrastructure") in the Town for any and all of the purposes referred to in this Ordinance. Notwithstanding the foregoing in this Section 2, though Company may modify, alter or replace Company's existing liquified natural gas storage facility in the Town, the Company will not construct an additional liquified natural gas storage facility or other natural gas storage facility without first obtaining the consent of the Town, acting through the Mayor and the Town Council.

Section 3. The Company is hereby granted and vested with the right, privilege and franchise to construct, erect, lay, install, renew, repair, maintain, operate, use and extend at any time, its mains, conduits, appliances, meters, sensors, routers, poles, antennae, and any and all other equipment, appurtenances and fixtures as may be reasonably necessary or desirable in the operation of a natural gas distribution system (the "Company Facilities") under, along, above, and across any Public Infrastructure in the Town. The Town will not vacate any public right-of-way containing any Company Facilities without advising the Company of its intention to vacate the right-of-way within 60 days and cooperating with the Company in reasonable attempts to obtain the necessary property rights to maintain the Company Facilities in the right-of-way.

Section 4. The said Company Facilities shall be so laid, set or constructed as not to interfere with the proper use of the Public Infrastructure, and to that end the Company shall abide by all lawful ordinances and resolutions that have been or may be duly adopted by the governing body of the Town.

Section 5. Whenever the Company shall cause any opening or alteration to be made in any of the Public Infrastructure in the Town for the purpose of laying, setting, maintaining, operating or repairing any Company Facilities, the work shall be completed within a reasonable time and the Company shall, upon the completion of such work, restore such portion of the Public Infrastructure to as good or better condition as it was before the opening or alteration was made.

Section 6. The Company shall hold the Town harmless from any and all liability or damages resulting from the negligence of the Company in the construction and maintenance of said Company Facilities.

Section 7. The Company shall have the power and authority, subject to the supervision of the Alabama Public Service Commission or other duly constituted governmental authority vested with the power now vested in the Alabama Public Service Commission to supervise and regulate public utilities in the State of Alabama, to make, adopt and enforce rates, rules and regulations for the furnishing of gas and for the reasonable operation of its plant and system and shall have the right at all reasonable hours to have access to its gas pipes and the meters of any consumer for the purpose of making repairs and other proper purposes. Town will not prohibit the Company from making connections of the Company Facilities to new customers or providing service to new accounts within the territorial limits of Town.

Section 8. Neither acceptance of, nor compliance with, the provisions of this ordinance shall in any wise impair or affect, or constitute or be construed as a relinquishment or waiver of, any right, permission or authority which the Company, its successors or assigns, may have independently of this ordinance. Nor shall any use by the Company, its successors or assigns, of public property or places in the Town, as authorized by this ordinance or service rendered by the Company, its successors or assigns, in said Town, be treated as use solely of the rights, permission and authority provided for by this ordinance or as service referable solely to this ordinance or to any obligation of service consequent upon acceptance thereof or as in any wise indicating non-use of, non-compliance with, any obligation incident to, any right, permission or authority vested in the Company, its successors or assigns, independently of this ordinance. And the acceptance provided for in Section 12 of this ordinance, and each and every compliance with the provisions of this ordinance or with any obligation arising from acceptance thereof, shall be subject to, and conditioned by, the provisions of this Section 8, with the same force and effect as though each of the provisions of this section were expressly incorporated in such acceptance and expressly declared by the acceptor, its successors or assigns, at and prior to the time of such compliance by it, as conditions of such compliance.

Section 9. [Reserved].

Section 10. The duration of this franchise shall be for a period of fifteen (15) years from the date of its adoption by the Mayor and the Town Council.

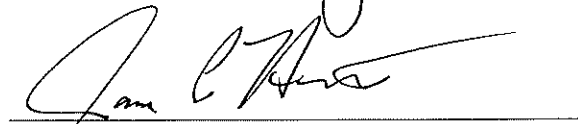
Section 11. This Ordinance shall be published in accordance with the applicable provisions of Section 11-45-8 of the Code of Alabama (1975). Such publication shall be done by the Town Clerk of the Town and thereafter the Town Clerk shall enter upon the minutes of the Town, immediately after the place where this Ordinance is recorded, a certificate setting forth that such Ordinance was published in accordance with the terms hereof and the laws of the State of Alabama. The expense of such publication shall be paid by the Company.

Section 12. Upon filing by the Company with the Clerk of the Town of a written acceptance of this Ordinance and of the franchise granted hereby, this Ordinance shall constitute a contract between the Town and the Company and their respective successors and assigns, effective from the date that this Ordinance was passed.

Section 13. The enactment of this franchise in the manner hereinabove provided shall have the effect of terminating any other franchise heretofore granted by the Town and then held by the Company covering the distribution of gas in the Town and territory contiguous thereto.

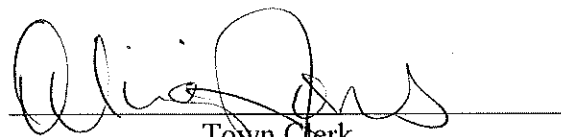
Section 14. If any provision of this ordinance, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

PASSED, ADOPTED AND APPROVED this 11 day of May, 2021.



Mayor

Attest:



Town Clerk

After completion of the reading of said Ordinance (Granting a Franchise to Spire Alabama Inc.) Council member _____ moved that the rules be suspended and that unanimous consent of those present be given for the immediate consideration of said Ordinance. This motion was duly seconded by Council member _____, and upon a call of the roll by the Clerk, upon the adoption of said motion, the following voted Aye:
Nay:

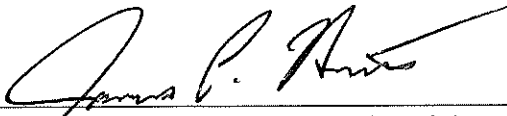
Whereupon the result of the vote was announced, and the Council President declared the rules suspended.

Council member Watkins then moved that the said Ordinance be adopted. This motion was duly seconded by Council member Goza and upon a call of the roll by the Clerk, upon the motion to adopt the said Ordinance, the following voted
Aye:
Nay:

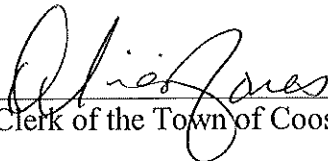
Whereupon the result of the vote was announced, and the Council President declared the said Ordinance passed and adopted.

* * *

There being no further business to come before said meeting and upon motion of Council member Rogers and seconded by Council member Goza, the meeting adjourned.



Mayor of the Town of Coosada, Alabama

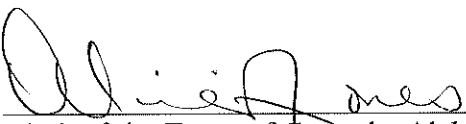


Clerk of the Town of Coosada, Alabama

STATE OF ALABAMA)
)
ELMORE COUNTY)

I, the undersigned, Olivia Jones Clerk of the Town of Coosada, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an extract from the minutes of the regular meeting of the Town Council of the Town of Coosada, Alabama, held on the 11 day of May, 2021, at 6 o'clock pm, which said extract correctly sets forth all proceedings of said meeting relating to Ordinance No. 21-004 granting a franchise to the Spire Alabama Inc.

Witness my hand and the seal of said Town of Coosada this 11th day of May, 2021.



Clerk of the Town of Coosada, Alabama

(SEAL)