

ORDINANCE NO. 2009 - 001

**AN ORDINANCE GRANTING A FRANCHISE TO
THE WATER WORKS BOARD OF THE TOWN OF VINCENT**

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

1. The words "the Town" as used herein shall mean the Town of Vincent, in the State of Alabama, as it is now constituted and as it may hereafter be extended or enlarged.
2. The words "the Water Works" as used herein shall mean The Water Works Board of the Town of Vincent, a public corporation, its successors and assigns..
3. That pursuant to Article XII, Section 228, Constitution of Alabama, 1901, and in accordance with the provisions hereof, there is hereby granted to the Water Works for a period of thirty (30) years, the right, privilege, authority, consent and franchise to acquire, own, maintain, construct, or enlarge within the Town a water works plant, a water distribution system and treatment plant(s), or any of them, together with the right, privilege, authority, consent, and franchise to lay, construct and maintain pipes, mains and other conductors, fixtures and related appurtenances in, along, across and under the streets, avenues, alleys, public ways and other public places in the Town for the purpose of conveying, collecting and distributing water in and through the Town, and to repair, renew, relay and extend such pipes, mains, conductors, fixtures and related appurtenances, and to make all excavations necessary therefore.
4. That the Water Works, and by accepting this franchise agrees that it will, upon making any excavation of the streets, avenues, alleys, public ways, and other public places of the Town, restore the surface or paving at the point of such excavation in substantially the same condition as before such work was done, all as promptly as may be practical and within a reasonable length of time thereafter.
5. That this franchise is not exclusive and the Town reserves the right to grant rights or franchises to others, and reserves its own right as a municipality to use the road rights of ways for the same or different purposes allowed the Water Works

hereunder, by franchise, permit or otherwise.

6. The right, privilege, authority, consent, and franchise hereby granted may be exercised by the Water Works or any successors or assigns of the Water Works and may be assigned, mortgaged or conveyed in trust by the Water Works as security for any bonds or other obligations thereafter issued by it, all subject nevertheless to the conditions and obligations herein contained.

7. The Water Works shall pay to the Town a privilege tax, license tax or utility tax of zero percent (0%) of the service provider's gross revenues derived from the operation of the water system. The Town reserves the right to amend this ordinance to assess the Water Works a privilege tax, license tax or utility tax, in an amount not to exceed that which is provided by law.

8. That when this Franchise shall have been accepted by the Water Works, it shall constitute a contract between the Town and the Water Works.

9. That any ordinances heretofore approved and adopted by the Town granting the right, privilege, authority, consent and franchise to acquire, own, maintain, construct, or enlarge within the Town a water system and a water treatment plant(s), or any of them, together with the right, privilege, authority, consent, and franchise to lay, construct and maintain pipes, mains and other conductors, fixtures and related appurtenances in, along, across and under the streets, avenues, alleys, public ways and other public places in the Town for the purpose of conveying and collecting water in and through the Town, and to repair, renew, relay and extend such pipes, mains, conductors, fixtures and related appurtenances, and to make all excavations necessary therefore, are hereby rescinded, revoked and cancelled.

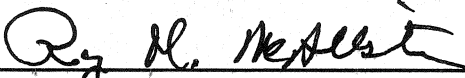
10. That all ordinances, resolutions and orders or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

11. The Mayor and all other officers of the Town are hereby authorized and directed to execute, deliver, seal and attest such other agreements, undertakings, documents and certificates and to take such other actions on behalf of the Town as may

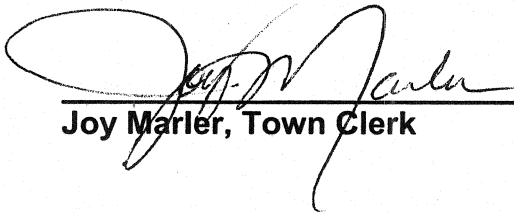
be necessary to consummate and carry out fully the transactions contemplated by this ordinance.

ORDAINED and **ADOPTED** this 3rd day of March, 2009.

THE TOWN OF VINCENT, ALABAMA

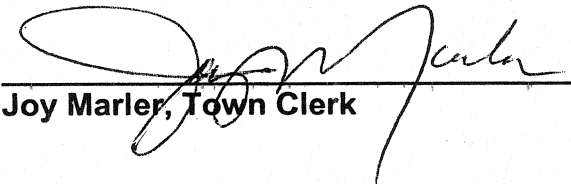

By: Ray H. McAllister
Its: Mayor

ATTEST:


Joy Marler, Town Clerk

CERTIFICATION

I, Joy Marler, City Clerk of the Town of Vincent, Alabama, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2009-001, as adopted by the Vincent Town Council at a meeting of the Vincent Town Council on the 3rd day of March, 2009.


Joy Marler, Town Clerk

**A RESOLUTION ACCEPTING THE FRANCHISE FOR THE
OPERATION OF A WATER WORKS PLANT AND SYSTEM**

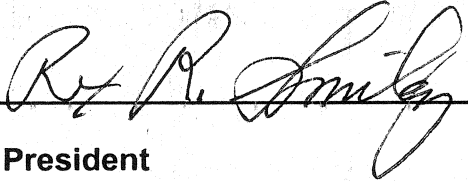
**BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE WATER
WORKS BOARD OF THE TOWN OF VINCENT, ALABAMA, as follows:**

The Water Works Board of the Town of Vincent, Alabama hereby accepts the terms, conditions and obligations of the franchise contained in the Ordinance No. 2009-001 adopted by the Town Council of the Town of Vincent, Alabama at its meeting on the 3rd day of MARCH, 2009, entitled "AN ORDINANCE GRANTING A FRANCHISE TO THE WATER WORKS BOARD OF THE TOWN OF VINCENT".

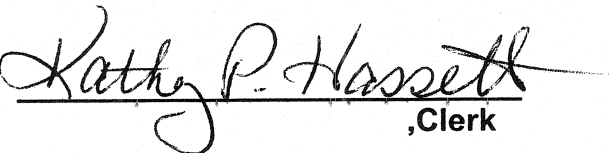
The resolution was introduced, duly seconded and unanimously adopted by the vote of all members of the Board of Directors.

RESOLVED this the 9th day of MARCH, 2009.

**THE WATER WORKS BOARD
TOWN OF VINCENT, ALABAMA**


By: _____
Its: President

ATTEST:



, Clerk