

PHILIP BREDESEN, MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

January 25, 1995

MARILYN S. SWING
METROPOLITAN CLERK

205 METROPOLITAN COURTHOUSE
NASHVILLE, TENNESSEE 37201-5026
PHONE: (615) 862-6770
FAX: (615) 862-6774

Ms. Ann O'Connell
The University of Tennessee
Municipal Technical Advisory Service
600 Henley Street, Suite 120
Knoxville, Tennessee 37996-4105

RE: METROPOLITAN GOVERNMENT GAS FRANCHISE AGREEMENT

Dear Ann:

Pursuant to your request, I am enclosing our entire packet on Metro's gas franchise agreement with Nashville Gas Company. The packet may include a little more information than you need but should give a complete history on this matter.

If I can answer questions or provide additional information, feel free to call me again.

Very sincerely,

Marilyn S. Swing
Metropolitan Clerk

enclosure

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FRANCHISE OF NASHVILLE GAS AND HEATING COMPANY

SECTION 1. BE IT ENACTED BY THE MAYOR AND CITY COUNCIL OF NASHVILLE, That the consent of the Mayor and City Council of Nashville is hereby given to the acquisition, by purchase, lease, or other lawful contract, by the Nashville Gas & Heating Company, of all or any part of the property of the Nashville Gas Company; and permission and consent are hereby given to the alienation, transfer and disposition by the Nashville Gas Company, by sale, lease, or other lawful contracts, of its property, or any part thereof, to the Nashville Gas & Heating Company; and permission and consent are hereby given to the Nashville Gas Company to surrender to the Mayor and City Council of Nashville the grant or license by said Mayor and City Council to said Nashville Gas Company, approved February 20, 1900, and ratified at a special election of the qualified voters of the City of Nashville, held April 19, 1900.

SEC. 2. That the Nashville Gas & Heating Company be, and is, hereby granted a license for forty (40) years from and after the date that this ordinance shall be approved by the people, as provided by law, and it is hereby authorized to construct, acquire, maintain and operate gas works in the City of Nashville, County of Davidson, State of Tennessee, and to manufacture, sell and supply gas in said city, and to buy, use and maintain pipes and extend existing conduits and mains, with all the necessary and proper attachments, connections and appurtenances below the surface of the streets, avenues, sidewalks, alleys and public grounds, and on the bridges and viaducts of the city of Nashville, as the boundaries thereof are now and may hereafter be, for the

supply and distribution of gas, and for the same purpose to erect and maintain therein all necessary posts for lamps and lanterns, and to make connections for customers with such pipes and mains, for the term of forty years aforesaid; PROVIDED, that all pavements, macadam and sidewalks shall be taken up, and all excavations in said streets, avenues, sidewalks, alleys and public grounds shall be under the supervision of the Board of Public Works; PROVIDED, FURTHER, that said pavements, macadam and excavations shall be replaced and repaired with like material, and left in as good condition as before. Where said company tears up a macadam street for laying and extending pipes for services, or for repairing the same, they shall in refilling such excavations made, thoroughly tamp each six-inch layer of material used, but the top layer shall, in every instance, be new, clean macadam, filled to a depth of not less than ten inches. If, in restoring a brick or granite street, any of the material is damaged, said company shall furnish new brick or granite, as the case may be, in order to restore said street to a condition equal to that before disturbed. In every instance shall this work be done to the satisfaction of the Board of Public Works. Should said Nashville Gas & Heating Company refuse or fail to replace said pavements, macadam, sidewalks and excavations within a reasonable time, which shall be determined by the Board of Public Works, then the same may be replaced and restored by the City, under the direction of the Board of Public Works, at the cost and expense of said grantee. Before any excavations are made by said Nashville Gas & Heating Company, at any time for extension in any street or alley, for any of the purposes named in this ordinance, it shall be the duty of said Company to apply for a permit therefor from the proper officers of said city, which permit shall state the particular street or alley where said work is to be done, and the length of time allowed in which said work shall be completed.

SEC. 3. That said company shall not open or incumber at any one time more of any street, avenue, sidewalk, alley or public highway or place, than may be necessary in order to enable it to proceed with advantage in laying and repairing of mains and pipes, nor shall it permit any such street, avenue, alley or public highway so opened or incumbered by it to remain open and incumbered for a longer period of time than shall be necessary, which time shall be determined by the Board of Public Works. In all cases where any street, alleys, sidewalk or public place shall be incumbered or excavated by said company, they shall take all precaution for the protection of the public usual under such circumstances, and such as may now or hereafter be required by the general ordinances of the city, and shall hold the city harmless for any damages to persons or property caused by the fault or neglect of said Nashville Gas & Heating Company. Whenever the city shall grade or regrade a street, alley, or public highway along or across which said company has constructed any pipes or mains, it shall be the duty of said company, at its own expense, to change said pipes or mains so as to conform to the streets, alleys or public highways to be graded or regraded on on order therefor from the proper officers of said city.

SEC. 4. No person, company or corporation shall be permitted to make any connections with any of the distributing pipes or service pipes of said company unless duly authorized by it.

SEC. 5. In case of making repairs or constructing new work the said company shall have the right to shut off the gas, and keep the same shut off for such time as may be necessary to accomplish the purpose.

SEC. 6. Said company shall have the right to shut off the gas from any consumer who may be in arrears for a longer period than fifteen days.

SEC. 7. In constructing, repairing and operating said works, said company shall use every reasonable and proper precaution to avoid damage and injury to persons and property, and shall, at all times and in all places, hold and save harmless the said city from all and every such damage, injury, loss or expense caused or occasioned by reason of any act or failure to act of said company, in the construction, repairing or operation of said gas works or any part thereof, or in paving or repaving of any streets by reason of any acts done by said company.

SEC. 8. Under the permission and authority hereby granted, said company shall manufacture, furnish and sell to the City of Nashville, and to the citizens thereof, a good commercial gas, suitable for illuminating purposes, and for fuel purposes, and shall establish and maintain such manufacturing plant and conduits, mains and pipes as are necessary to provide an adequate supply of gas to all of its consumers, including the City of Nashville, which, shall, burning five cubic feet per hour, in any ordinary lava tip open flame burner in common use, be capable of producing a light equal to sixteen standard sperm candles, as near as practicable, but never less than fifteen candle power, and suitable for illuminating purpose, and give an average heating value of 600, and never less than 550 British thermal units per cubic foot of gas, suitable for heating and commercial purposes. The right, at any time, to test the candle power of gas to be furnished by said company, or the accuracy of the meters used in measuring the same, is reserved to the Mayor and City Council on complaint of any consumer that the gas furnished him is not up to the standard, then the Mayor shall be compelled to have proper test made, the expense of which is to be paid by the Nashville Gas & Heating Company, the said Nashville Gas & Heating Company shall, within a reasonable time after notification by the proper city authorities, correct any deficiency in the candle or heating power of the gas

or the accuracy of any meter used, and an intentional failure on the part of said company, within a reasonable time after notification by the proper city authorities, to correct any deficiency in the candle power or heating power of the gas, or the accuracy of any meter used, shall be a sufficient cause for the revocation of this license by the Mayor and City Council, unless explanation satisfactory to the Mayor and City Council shall be made. The rate to be charged by said company for gas may equal, but shall not exceed, \$1.10 per 1,000 cubic feet, with 10 cents per 1,000 cubic feet discount if bills are paid in the first five business days next following the date bills are rendered. Said Company may make a minimum charge for gas of 15 cents to each consumer or person having a meter of said company installed in any month in which said consumer or person having a meter of said company installed shall use less than 150 cubic feet of gas. No charge shall be made by said company for the rent of any meter.

SEC. 9. At stated intervals or period of ten years, commencing ten years after the date of the acceptance of this ordinance by the Nashville Gas & Heating Company, as hereinafter provided in Section 10 of this ordinance, the price at which gas shall be sold by said Nashville Gas & Heating Company shall be subject to regulation or adjustment between said Nashville Gas & Heating Company, and said Mayor and City Council of Nashville, by arbitration, and the price charged for gas during the next ensuing ten years, after each arbitration, any equal, but shall not exceed, the rate fixed by the arbitrators, which rate shall be determined by considering all conditions entering into the cost of producing and distributing gas, and the value and sale of by-products, by said Nashville Gas & Heating Company, and the price to be so periodically fixed by the arbitrators shall bear the same relation or proportion to the then cost of materials, production and distribution of gas, and the value and sale of

by-products as shall obtain with said Nashville Gas & Heating Company averaged over a period of not less than two years ^{of the ten years} preceding the period of arbitration; PROVIDED, that at no time shall the price charged for gas be greater than \$1.10 per 1,000 cubic feet, subject to the discount hereinbefore provided in Section 8 of this ordinance. The arbitration herein provided for shall be by arbitrators appointed, one by the Mayor and City Council of Nashville, and one by the Nashville Gas & Heating Company, and in the event of disagreement between them, the two so chosen shall select a third disinterested person, who shall, together with said two, consider and decide the matter, and the decision of said arbitrators, or a majority of same, shall be conclusive and binding upon said Nashville Gas & Heating Company and said Mayor and City Council of Nashville.

SEC. 10. That within ten days after the approval of this ordinance said company shall, by its legally constituted representatives, file with the Recorder of the city a written acceptance of this grant, with all of its terms, limitations and requirements, and a failure so to accept the same within said time shall of itself work a revocation of this grant.

SEC. 11. That in event of the acceptance of this ordinance by the Nashville Gas & Heating Company, as herein before provided in Section 10, then this ordinance shall be submitted to the qualified voters of the City of Nashville at a special election to be held on the fifteenth day of April, 1912, subject to the provisions of the law governing such elections. All those voters favoring the ordinance shall vote "for the Nashville Gas & Heating Company ordinance", and those voting against said ordinance shall vote "against the proposed Nashville Gas & Heating Company ordinance," and the returns of said election shall be canvassed and declared, as now provided by law.

SEC. 12. That in event a majority of the qualified voters of the city voting on the proposition herein directed to be submitted shall vote for the adoption of this ordinance, then the Nashville Gas & Heating Company, in consideration of the rights and licenses hereby granted to said company, shall pay to the Mayor and City Council of Nashville the full sum of one hundred thousand (\$100,000) dollars, and said payment shall be made by said Nashville Gas & Heating Company within ten days after said election, and it shall not exercise any of the licenses and privileges hereby granted until said payment shall have been made. PROVIDED, that nothing in this ordinance shall be construed as exempting said Nashville Gas & Heating Company from the payment of any taxes lawfully imposed by the Mayor and City Council of Nashville.

SEC. 13. That in event a majority of the qualified voters of the city, voting on the proposition herein directed to be submitted, shall vote for the adoption of this ordinance, and said Nashville Gas & Heating Company shall make the payment required to be made as hereinbefore provided in Section 12, then the Board of Public Works is hereby authorized and directed to carry out the terms and provisions hereof.

SEC. 14. That in consideration of the rights and licenses hereby granted to the Nashville Gas & Heating Company, and in addition to the payment required to be made as hereinbefore provided in Section 12, said company shall pay to the Mayor and City Council of Nashville five (5) per centum of its gross receipts from the sale of gas, and also from the sale, at a fair market value, of by-products, unless and until said Mayor and City Council of Nashville--and the voters of the city at an election held for such purpose, according to the provisions of the law, shall ratify such, grant a license or right to any other company to engage in the same or a similar business to that of the Nashville Gas &

Heating Company, and such other companies shall actually engage in business or the city itself engage in such business, at which time all payments provided for in this section shall cease; PROVIDED, that nothing herein contained shall be construed to prevent the city from granting a license or right to a natural gas company. Said sum is to be paid half-yearly, and said Nashville Gas & Heating Company shall furnish to the proper representative of the city a sworn statement of its proper officer, showing the production of gas, coke, tar and ammonia, and other facts connected with the production, upon which said payment is made; and said Mayor and City Council of Nashville shall have the right, through its proper officers, or agents, to examine and verify such of the records, books and accounts of the Nashville Gas & Heating Company as may be necessary to enable said city to obtain the true amount of said gross receipts.

SEC. 15. At any time thirty years after the approval of this grant by the Mayor and City Council of Nashville, upon giving twelve months' notice to said Nashville Gas & Heating Company, its successors and assigns, of its intention to do so, may elect to purchase the plant constructed or acquired by said company, embracing every appliance thereof, for the manufacture and furnishing of gas for lighting and heating. And it shall have the right to do so at a fair valuation, to be arrived at by arbitration, each party hereto choosing representatives, and these a third disinterested party. But in arriving at the valuation of said plant, including all appliances as aforesaid, it is expressly contracted and agreed by said Nashville Gas & Heating Company, that the sale shall be taken and construed as a voluntary surrender by said company, its successors and assigns, of the grant or franchise hereby given, and the same shall not be valued, but the arbitrators shall value the plant and the appliances aforesaid as a plant in actual operation, the right to immediate operation of which will vest upon the completion of the sale, exclusively in the Mayor and

City Council of Nashville, the property to be valued at its actual value at the time of arbitration.

SEC. 16. Said Nashville Gas & Heating Company, intending the substantial betterment and extension of the plant of the Nashville Gas Company, in the event of the acquisition of same by said Nashville Gas & Heating Company, under the terms and provisions of this grant, agrees to expend within five years next succeeding the acceptance hereof by said Nashville Gas & Heating Company, for such betterment and extension, a sum not less than five hundred thousand (\$500,000) dollars; and said company further agrees that the expenditure by it of such sum for such purpose shall be a part of the consideration of this grant made by this ordinance.

SEC. 17. No convict labor shall be used by said company or any person, company or corporation working for it in any part of its work, nor shall said company use any material that is the product of convict labor.

SEC. 18. That, hereafter, whenever the city paves with granite, brick, asphalt or other permanent material, any street in the city in which the company has its mains, it shall be the duty of said company, before said work is done, to run in service pipes from its main pipes to the sidewalk of each and every lot, no matter whether such lot is vacant or improved.

SEC. 19. That nothing in this ordinance shall be construed as a waiver to the city's rights, at any time, to erect and operate a gas plant.

SEC. 20. A failure on the part of said company to comply with the provisions of this ordinance, or failure to comply with an order or request of the Board of Public Works issued thereunder, shall subject said company to a fine of not less than \$10 nor more than \$50 for each offense: PROVIDED HOWEVER that this section

shall not be construed to conflict with any penalty otherwise provided herein.

SEC: 21. That this ordinance shall take effect from and after its passage, the welfare of the city requiring it.

Approved October 10, 1911.

H. E. Howse, Mayor

TO THE MAYOR AND CITY COUNCIL
OF NASHVILLE, TENNESSEE:

The Nashville Gas & Heating Company hereby accepts the grant made to it by Ordinance No. 155 of the Mayor and City Council of Nashville, passed October 9, 1911, and approved by the Mayor October 10, 1911, with all of its terms, limitations and requirements.

Done in pursuance of a resolution duly passed by the Board of Directors of the Nashville Gas & Heating Company October 10, 1911.

This the 10th day of October, 1911.

NASHVILLE GAS & HEATING COMPANY,

By J. H. Fall, President

C. H. Brandon, Secretary.

Filed in the office of the Recorder of the Mayor and City Council of Nashville, Tennessee, this October 10th, 1911.

W. L. Murrey, City Recorder.

ORDINANCE NO. 50-341
OF MAYOR AND CITY COUNCIL OF NASHVILLE

AN ORDINANCE EXTENDING THE LICENSE AND FRANCHISE
OF NASHVILLE GAS AND HEATING COMPANY, A TENNESSEE
CORPORATION, FOR AN ADDITIONAL PERIOD OF THIRTY
YEARS FROM THE EXPIRATION OF ITS EXISTING LICENSE
OR FRANCHISE.

BE IT ENACTED BY THE MAYOR AND CITY COUNCIL OF NASHVILLE:

SEC. 1. That the existing license and franchise of Nashville Gas and Heating Company, a Tennessee corporation, granted by Ordinance No. 155 of Mayor and City Council of Nashville, passed by the Council on October 9, 1911, approved by the Mayor October 10, 1911, and accepted by the Company on October 10, 1911, and approved by the qualified voters on April 15, 1912, is hereby extended for a period of thirty years from and after the termination of such existing license and franchise, subject to the continuing obligations and the continuing terms and conditions of said franchise, as set out in said Ordinance No. 155, which shall remain in full force and effect throughout the period of said thirty-year extension.

SEC. 2. That said license and franchise, as extended, shall at all times be subject to the terms, conditions, provisions and obligations set out and contained in Article 54 of the Charter of the City of Nashville, to-wit, Chapter 246 of the Private Acts passed by the 75th General Assembly of the State of Tennessee in the year 1947.

SEC. 3. That within ten days after the final approval of this ordinance said Nashville Gas and Heating Company shall, by

its legally constituted representatives, file with the City Clerk a written acceptance of this extension grant, with all of its terms, limitations and requirements, and a failure so to accept the same within said time shall of itself work a revocation of this extension grant.

SEC. 4. That in the event of the acceptance of this ordinance by the Nashville Gas and Heating Company, as hereinbefore provided in Section 3, then this ordinance shall be submitted to the qualified voters of the City of Nashville at the next regular primary or general election held within the City of Nashville and occurring more than sixty days after the date of the unconditional acceptance of such extended franchise by the Nashville Gas and Heating Company. This ordinance shall become effective only in the event it is approved by three-fifths (3/5ths) of the electors voting thereon in such election. The returns of any such election shall be canvassed and the result declared as provided by law.

SEC. 5. Be it further enacted that this Ordinance take effect from and after its passage, the welfare of the City requiring it.

Introduced by:

Walter Morgan	(Signed)
Joe W. Sadler	"
W. M. Ayers	"

~~Passed first reading and
referred to Committee of Whole
on January 3, 1950~~

Bill No. 50-341

AN ORDINANCE EXTENDING THE LICENSE AND FRANCHISE OF NASHVILLE GAS AND HEATING COMPANY, A TENNESSEE CORPORATION, FOR AN ADDITIONAL PERIOD OF THIRTY YEARS FROM THE EXPIRATION OF ITS EXISTING LICENSE OR FRANCHISE.

The within bill approved as to form and legality.

Introduced City Attorney.
January 3, 1950

Passed first Reading January 3, 1950

Referred to _____

Amended January 3, 1950
Amendment Stricken: January 18, 1950
Amended & Passed second Reading February 7, 1950

Referred to _____

Passed third Reading February 9, 1950

Approved February 10, 1950

By THOS. L. CUMMINGS /s/
Mayor.

Departments Notified _____

Enrolled _____ Book _____ Page _____

Advertised _____

A RESOLUTION FIXING AND DETERMINING THE EXPENSE OF HOLDING THE SPECIAL ELECTION TO BE HELD UNDER THE PROVISIONS OF ORDINANCE NO. 50-341, PASSED BY THE CITY COUNCIL ON FINAL READING ON THURSDAY, FEBRUARY 9, 1950, APPROVED BY THE MAYOR ON FRIDAY, FEBRUARY 10, 1950, EXTENDING THE LICENSE AND FRANCHISE OF THE NASHVILLE GAS AND HEATING COMPANY.

WHEREAS, Nashville Gas and Heating Company has filed its written unconditional acceptance of the extension of its license and franchise pursuant to the terms, provisions and conditions of Article 54 of the Charter of the City of Nashville and Ordinance No. 50-341, said acceptance having been filed with the City Clerk on the 15th day of February, 1950;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL:

SECTION 1. That the City Council does hereby fix and determine the expense of holding the special election required under the provisions of said Ordinance No. 50-341 in the estimated amount of \$5,000.00, which amount shall be deposited with the City Clerk by the said Nashville Gas and Heating Company. In the event the total expense of said election shall be less than said sum of \$5,000.00, the City Clerk shall make proper refund of any excess sums to the said Nashville Gas and Heating Company, and in the event the expense of holding the said special election shall exceed said sum of \$5,000.00, Nashville Gas and Heating Company shall promptly pay over to the City Clerk the amount of any additional expense in excess of the sum so deposited.

SECTION 2. That this resolution take effect from and after its adoption, the welfare of the City of Nashville requiring it.

Introduced by:

Member of the City Council

Resolution No. 50-1089

CITY COUNCIL

A RESOLUTION FIXING AND DETERMINING THE EXPENSE OF HOLDING THE SPECIAL ELECTION TO BE HELD UNDER THE PROVISIONS OF ORDINANCE NO. 50-341, PASSED BY THE CITY COUNCIL ON FINAL READING ON THURSDAY, FEBRUARY 9, 1950, APPROVED BY THE MAYOR ON FRIDAY, FEBRUARY 10, 1950, EXTENDING THE LICENSE AND FRANCHISE OF THE NASHVILLE GAS AND HEATING COMPANY.

Introduced February 21, 1950

Adopted February 21, 1950

INTRODUCED BY

Approved February 24, 1950

By Thos. L. Cummings /s/
MAYOR.

Department Notified

Enrolled Book Page

EXCERPTS FROM THE MINUTES OF THE CITY COUNCIL

Tuesday, May 2, 1950

The City Council met in regular session on this date at 7:30 o'clock P.M.

The Invocation was offered by Mr. Sofge.

The Roll was called and the following members were present during the progress of the meeting: Ayers, Bargatze, Bartlett, Bell, Castleman, Draper, Doyle, Farrar, Overall, Levine, Mansfield, Melfi, Morgan, Ragsdale, Robinson, H. H. Sadler, Joe Sadler, Sofge, Williams, Wilson, Woodroof and President West, (22).

RESOLUTION NO. 50-1189.

A Resolution officially recording the approval of Bill No. 50-341 by vote of the people at the Special Election held on April 18, 1950. Read in full and adopted by the following vote: "Ayes" Ayers, Bargatze, Bartlett, Bell, Castleman, Draper, Doyle, Farrar, Overall, Levine, Mansfield, Melfi, Morgan, Ragsdale, Robinson, H. H. Sadler, Joe Sadler, Sofge, Williams, Wilson and Woodroof, (21); "Noes" (0).

Upon motion duly seconded the Council adjourned.

ATTEST:

APPROVED:

I, W. M. Carr, Jr., the duly qualified and acting City Clerk of the City of Nashville, Tennessee, do hereby certify that attached hereto is a true and correct copy of excerpts from the Minutes of the City Council of the meeting held on May 2, 1950, relative to the adoption of Resolution No. 50-1189.

Witness my hand and the Seal of the City of Nashville, Tennessee, this 17th day of May, 1950.

CITY CLERK

CITY CLERK

A RESOLUTION OFFICIALLY RECORDING THE APPROVAL OF BILL NO. 50-341 BY VOTE OF THE PEOPLE AT THE SPECIAL ELECTION HELD ON APRIL 18, 1950.

WHEREAS, the City Council of the City of Nashville, on February 9, 1950, passed on third and final reading Bill No. 50-341, entitled:

"An Ordinance extending the license and franchise of Nashville Gas and Heating Company, a Tennessee corporation, for an additional period of thirty years from the expiration of its existing license or franchise."

AND WHEREAS, said Bill No. 50-341 was duly approved and signed by the Mayor of the City of Nashville on February 10, 1950, and Nashville Gas and Heating Company filed its written unconditional acceptance of the extension of its license and franchise pursuant to the terms, provisions and conditions of Article 54 of the Charter of the City of Nashville and said Bill No. 50-341, said acceptance having been filed with the City Clerk on February 15, 1950; and

WHEREAS, the City Council of the City of Nashville, by Resolution No. 50-1089, adopted February 21, 1950, fixed and determined the expense of holding the special election required under the provisions of said Bill No. 50-341 to be the estimated amount of \$5,000.00 and required said amount to be deposited with the City Clerk by the said Nashville Gas and Heating Company and directed the City Clerk to make proper refund of any excess sum to the said Nashville Gas and Heating Company in the event the cost of said special election was less than said sum of \$5,000.00 and requiring Nashville Gas and

the event such expense exceeded the said sum of \$5,000.00; and

WHEREAS, said Bill No. 50-341 was duly submitted to the qualified voters of the City of Nashville at a special election held on Tuesday, April 18, 1950, in accordance with the provisions, requirements and conditions set out in Section 4 of said Bill No. 50-341, said special election having been duly called and advertised as required by law, and said Bill No. 50-341 having been published in full in one publication appearing in the Nashville Tennessean on the 13th day of April, 1950, and one publication appearing in the Nashville Banner on the 13th day of April, 1950, as required by the terms and provisions of Section 4 of said Bill No. 50-341; and

WHEREAS, the Davidson County Board of Election Commissioners, on April 24, 1950, duly certified the holding and the result of said special election to the said City of Nashville and filed the said certification with the Clerk of the City of Nashville as required by law, said certification being as follows, to-wit:

"STATE OF TENNESSEE
COUNTY OF DAVIDSON

We, A Roy Greene, Bascom F. Jones, and John A. Pritchett, Commissioners of Election, for the above named State and County, certify that pursuant to the passage of Ordinance 50-341, as amended, providing for the extension of the license and franchise of the Nashville Gas and Heating Company, a Tennessee corporation, for an additional period of thirty years from April 15, 1952, and in accordance with the provisions set out in Article 54, of the Charter of the City of Nashville, to-wit, Chapter 246, of the Private Acts passed by the 75th General Assembly of the State of Tennessee, in the year 1947, an election was held in all of the Precincts of the various Wards of the City of Nashville, Davidson County, on the 18th day of April, in the year 1950. At said election, there were cast 'FOR' the extension of the said license and franchise of the Nashville Gas and Heating Company, two-thousand-eight-hundred-forty-seven (2,847) votes, and 'AGAINST' the extension, two-

"This the 24th day of April, 1950.

DAVIDSON COUNTY BOARD OF ELECTION COMMISSIONERS

A. Roy Greene, Sr. (Signed)
A. Roy Greene, Chairman

Bascom F. Jones (Signed)
Bascom F. Jones, Vice-Chairman

John A. Pritchett (Signed)
John A. Pritchett, Secretary."

AND WHEREAS, the existing license and franchise of the said Nashville Gas and Heating Company, granted by Ordinance No. 155 of Mayor and City Council of Nashville, passed on October 9, 1911, and approved by the Mayor October 10, 1911, and approved by the qualified voters on April 15, 1912, expiring on April 15, 1952, has now been extended for an additional period of thirty years from and after April 15, 1952, said extension expiring on April 15, 1982, subject to the terms, provisions and conditions of said Bill No. 50-341, which extension is now in full force and effect, and it having been ascertained that the total cost of the holding of said special election was \$5,711.20, as certified to the City Council by the City Clerk and Nashville Gas and Heating Company having paid said excess cost of \$711.20 to the City Clerk;

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NASHVILLE that this resolution be adopted to officially evidence the aforesaid extension of the existing license and franchise of Nashville Gas and Heating Company to April 15, 1982, subject to all of the terms, conditions and provisions of said Bill No. 50-341; and

BE IT FURTHER RESOLVED that the Clerk of the City of Nashville shall issue a certified copy of this resolution to the said Nashville Gas and Heating Company as evidence of the aforesaid extension of its existing license and franchise; and

BE IT FURTHER RESOLVED that this resolution take effect from and after its adoption, the welfare of the City of Nashville requiring it.

Introduced by:

J. C. Bartlett (Signed)
Member of the City Council

Resolution No. 50-1189

CITY COUNCIL

A RESOLUTION OFFICIALLY RECORDING

THE APPROVAL OF BILL NO. 50-341

BY VOTE OF THE PEOPLE AT THE SPECIAL
ELECTION HELD ON APRIL 18, 1950.

Introduced May 2, 1950

Adopted May 2, 1950

INTRODUCED BY

Approved May 3, 1950

By Thos. L. Cummings /s/
MAYOR.

Department Notified

Enrolled Book Page

COPY

(Original copy filed
with Bill No. 50-341)

City of Nashville
Nashville, Tennessee

As provided in Article 54 of the Charter of the City of Nashville, and in accordance with the requirements of Ordinance No. 50-341 passed on final reading by the City Council on Thursday, February 9, 1950, and approved by the Mayor on February 10, 1950, Nashville Gas and Heating Company unconditionally accepts the extension grant of its license and franchise with all of the terms, limitations and requirements as set out in said Ordinance No. 50-341.

This the 15th day of February, 1950.

NASHVILLE GAS AND HEATING COMPANY,

By: W. H. Ligon /s/
President

ATTEST:

W. M. Fenny /s/
Secretary

(Seal)

P
Y

APPLICATION OF NASHVILLE GAS AND HEATING COMPANY,
A TENNESSEE CORPORATION, FOR AN EXTENTION OF ITS
PRESENT LICENSE AND FRANCHISE

TO THE MAYOR AND CITY COUNCIL OF NASHVILLE:

Gentlemen:

Nashville Gas and Heating Company, a Tennessee corporation, hereby makes application for an extension of its present license and franchise for an additional thirty years from and after the expiration of its present franchise. The present franchise held by the applicant was granted pursuant to Ordinance No. 155, passed by the City Council October 9, 1911, approved by the Mayor October 10, 1911, accepted by the applicant on October 10, 1911, and approved by the qualified voters of the City of Nashville at a special election on the 15th day of April, 1912. Said franchise became effective on the 15th day of April, 1912, is for a term of forty years, and will expire on the 14th day of April, 1952. Applicant hereby applies for an extension for a period of thirty additional years from and after the termination of its presently existing franchise, subject to all of the continuing obligations, terms and conditions of its present franchise as set out in the proposed ordinance, copies of which are filed herewith.

Respectfully submitted, this the 29 day of December, 1949.

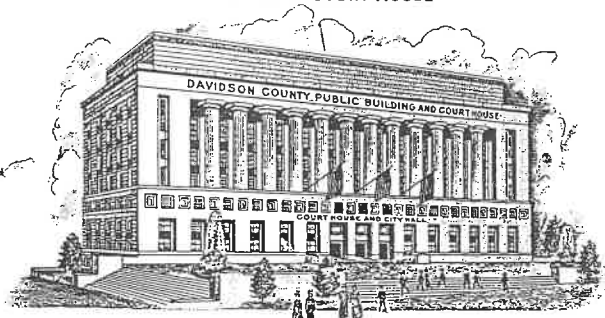
NASHVILLE GAS AND HEATING COMPANY,

By: W. H. Ligon /s/
President

Rec'd & Filed

ELECTION COMMISSION
GROUND FLOOR COURT HOUSE

A. ROY GREENE, CHAIRMAN
BASCOM F. JONES, VICE CHAIRMAN
JOHN A. PRITCHETT, SECRETARY
TELEPHONE 5-2270



DAVIDSON COUNTY
NASHVILLE 3 TENNESSEE

State of Tennessee
County of Davidson

We, A. Roy Greene, Bascom F. Jones, and John A. Pritchett, Commissioners of Election, for the above named State and County, certify that pursuant to the passage of Ordinance 50-341, as amended, providing for the extension of the license and franchise of the Nashville Gas and Heating Company, a Tennessee corporation, for an additional period of thirty years from April 15, 1952, and in accordance with the provisions setout in Article 54, of the Charter of the City of Nashville, to-wit, Chapter 246, of the Private Acts passed by the 75th General Assembly of the State of Tennessee, in the year 1947, an election was held in all of the Precincts of the various Wards of the City of Nashville, Davidson County, on the 18th day of April, in the year 1950. At said election, there were cast "FOR" the extension of the said license and franchise of the Nashville Gas and Heating Company, two-thousand-eight-hundred-forty-seven (2,847) votes, and "AGAINST" the extension, two-hundred-seven (207) votes.

This the 24th day of April, 1950.

DAVIDSON COUNTY BOARD OF ELECTION COMMISSIONERS

RECEIVED AND FILED
MAY 2 1950
CITY COUNCIL

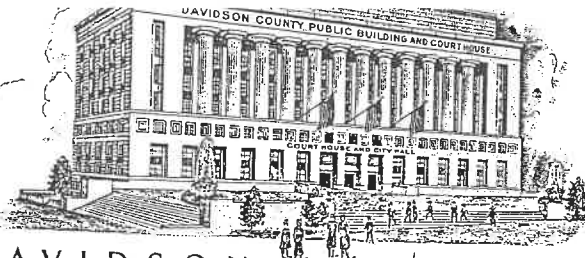
A. Roy Greene
A. Roy Greene, Chairman

Bascom F. Jones
Bascom F. Jones, Vice-Chairman

John A. Pritchett
John A. Pritchett, Secretary

		6	18	18	0
				21	7

A. ROY GREENE, CHAIRMAN
 BASCOM F. JONES, VICE CHAIRMAN
 JOHN A. PRITCHETT, SECRETARY
 TELEPHONE 5-2270



DAVIDSON COUNTY
 NASHVILLE 3 TENNESSEE

This is to certify that I have received this day from the Davidson County Election Commission, returns for the Gas License and Franchise Election which was held on April 18, 1950, as follows:

1. Poll Books
2. Official Return Sheets
3. Certification by the Davidson County Election Commission.

This is to further certify that these items were delivered to me, in person, by John A. Pritchett, Secretary of the Davidson County Election Commission.

JOHN B. COBB, COUNTY COURT CLERK

This 28 day of April, 1950

By W. M. Carr
 Deputy Clerk

3

	6	18	18	0
	1		61	3
	2		72	10
	3		69	8
	4		109	8

AMENDMENT NO. 3 TO BILL NO. 50-341

I move to amend Section 14 after the words "...five percentum of its gross receipts from the sale of gas, and also from the sale at a fair market value of by products" and before the words "...unless and until said Mayor and Council..." the following words: "and in addition thereto shall pay to the Mayor and City Council of Nashville annually, all net income in excess of six percentum of the lawfully determined rate base of said company.

Ben West
William P. Doyle

REJECTED:

FEB 7 1950

AMENDMENT NO. 2 TO ORDINANCE NO. 50-341 OF THE MAYOR
AND CITY COUNCIL OF NASHVILLE

Amend by inserting in Section 1, immediately following the date "April 15, 1912" and before the word "is", the following language:

"is hereby amended so as to expressly include natural, manufactured or mixed gas and, as so amended,"

And amend by adding at the end of said Section 1 the following language:

"The provisions of Section 14 of said ordinance No. 155, requiring the payment of five percentum of gross revenues from the sale of gas, and also from the sale, at a fair market value, of by-products, is hereby made expressly applicable to natural, manufactured or mixed gas."

Amend by striking out Section 4 of said ordinance and inserting in lieu thereof the following:

"Sec. 4. That in the event of the acceptance of this ordinance by the Nashville Gas and Heating Company, as hereinbefore provided in Section 3 and the payment of the election expenses to the City of Nashville as provided in Article 54 of the Charter, then this ordinance shall be submitted to the qualified voters of the City of Nashville at a special election to be held on the first Tuesday occurring more than sixty days after the date of the unconditional acceptance of said extended franchise by the Nashville Gas and Heating Company, such special election to be held in accordance with the provisions of the law governing such elections. The ballot at such special election shall contain a brief statement of the purposes of this ordinance, and shall submit to the voters the following question:

Do you approve ordinance No. 50-341
of the Mayor and City Council of
Nashville enacted 1950,
extending the license and franchise
of the Nashville Gas and Heating Company?

Yes

The returns of such election shall be canvassed and declared as provided by law. This ordinance shall become effective only in the event it is approved by three-fifths of the electors voting thereon in such election, and if so approved such license and franchise shall be extended as hereinabove provided without requiring the payment of any consideration therefor other than the annual payments as hereinabove expressly set out.

"This ordinance shall be published in full, one publication to appear in the Nashville Tennessean and one publication in the Nashville Banner. Said publication shall be made not more than seven days nor less than three days before said election."

W. Bartlett

Member of City Council

W. G. Draper

ADOPTED:

FEB 7 1950

AMENDMENT NO. 2 TO ORDINANCE NO. 50-341
OF THE MAYOR AND CITY COUNCIL OF NASHVILLE

Amend by inserting in Section 1, immediately following the date "April 15, 1912" and before the word "is", the following language:

"is hereby amended so as to expressly include natural, manufactured or mixed gas and, as so amended,"

And amend by adding at the end of said Section 1 the following language:

" , the provisions of Section 14 of said Ordinance No. 155 requiring the payment of five percentum of gross revenues from the sale of gas, and also from the sale, at a fair market value, of by-products, being made expressly applicable to natural, manufactures or mixed gas, and which payments are intended and shall be construed to be full and complete payments, made on an annual basis, in consideration of the extension of said franchise and license."

Amend by striking out Section 4 of said Ordinance and inserting in lieu thereof the following:

"Sec. 4. That in the event of the acceptance of this Ordinance by the Nashville Gas and Heating Company, as hereinbefore provided in Section 3 and the payment of the election expenses to the City of Nashville as provided in Article 54 of the Charter, then this Ordinance shall be submitted to the qualified voters of the City of Nashville at a special election to be held on the first Tuesday occurring more than sixty days after the date of the unconditional acceptance of said extended franchise by the Nashville Gas and Heating Company, such special election to be held in accordance with the provisions of the law governing such elections. The ballot at such special election shall contain a brief statement of the purposes of this Ordinance, and shall submit to the voters the following question:

Do you approve Ordinance No. 50-341
of the Mayor and City Council of
Nashville enacted 1950,
extending the license and franchise
of Nashville Gas and Heating Company?

Yes

No

The returns of such election shall be canvassed and declared as provided by law. This Ordinance shall become effective only in the event it is approved by three-fifths of the electors voting thereon in such election, and if so approved such license and franchise shall be extended as hereinabove provided without requiring the payment of any consideration therefor other than the annual payments as hereinabove expressly set out."

J. C. Bartlett (Signed)
Member of City Council

ADOPTED: February 7, 1950

AMENDMENT NO. 1

AMENDMENT TO GAS FRANCHISE ORDINANCE

I move to amend by adding a new section after Section 4 and before Section 5, to be designated Section 4A to read as follows:

Each and every section, paragraph, sentence, phrase, or provision herein set out shall depend entirely upon the following condition, to wit:

Provided, that the Nashville Gas and Heating Company shall submit the highest bid to the City in payment for said franchise in a fair and open letting conducted for such purpose by the City Clerk after the same has been advertised for a period of thirty days after the passage of this ordinance, and previous to the calling of said election. Uniform bid proposal forms shall be prepared by the Clerk and made available to bidders and bids accepted only on said forms.

The highest bidder shall be declared by the Clerk and unless the Nashville Gas and Heating Company is so declared highest bidder, then this ordinance shall be of no force and effect in so far as it refers to the Nashville Gas and Heating Company, and the name of the highest bidder will stand in the place and stead of the Nashville Gas and Heating Company wherever referred to in this ordinance.

ADOPTED:

JAN 3 - 1950

Burwell
William P. Roy Jr.
Walter Morgan

Amendment No. 1 STRICKEN:

City of Nashville,
Nashville, Tennessee.

CITY CLERK

As provided in Article 54 of the Charter of the City of Nashville, and in accordance with the requirements of Ordinance No. 50-341 passed on final reading by the City Council on Thursday, February 9, 1950, and approved by the Mayor on February 10, 1950, Nashville Gas and Heating Company unconditionally accepts the extension grant of its license and franchise with all of the terms, limitations and requirements as set out in said Ordinance No. 50-341.

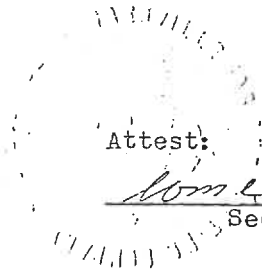
This the 15th day of February, 1950.

NASHVILLE GAS AND HEATING COMPANY,

By W. H. Lyon
President

Attest:

Wm. E. [Signature]
Secretary



APPLICATION OF NASHVILLE GAS AND HEATING COMPANY,
A TENNESSEE CORPORATION, FOR AN EXTENSION OF ITS
PRESENT LICENSE AND FRANCHISE

TO THE MAYOR AND CITY COUNCIL OF NASHVILLE:

Gentlemen:

Nashville Gas and Heating Company, a Tennessee corporation, hereby makes application for an extension of its present license and franchise for an additional thirty years from and after the expiration of its present franchise. The present franchise held by the applicant was granted pursuant to Ordinance No. 155, passed by the City Council October 9, 1911, approved by the Mayor October 10, 1911, accepted by the applicant on October 10, 1911, and approved by the qualified voters of the City of Nashville at a special election on the 15th day of April, 1912. Said franchise became effective on the 15th day of April, 1912, is for a term of forty years, and will expire on the 14th day of April, 1952. Applicant hereby applies for an extension for a period of thirty additional years from and after the termination of its presently existing franchise, subject to all of the continuing obligations, terms and conditions of its present franchise as set out in the proposed ordinance, copies of which are filed herewith.

Respectfully submitted, this the 29 day of ^{December} ~~November~~,
1949.

NASHVILLE GAS AND HEATING COMPANY

By W. H. Ligon
President

CITY ORDINANCE

ORDINANCE NO. 50-341

OF MAYOR AND CITY COUNCIL OF NASHVILLE

AN ORDINANCE EXTENDING THE LICENSE AND FRANCHISE OF NASHVILLE GAS AND HEATING COMPANY, A TENNESSEE CORPORATION, FOR AN ADDITIONAL PERIOD OF THIRTY YEARS FROM THE EXPIRATION OF ITS EXISTING LICENSE OR FRANCHISE.

BE IT ENACTED BY THE MAYOR AND CITY COUNCIL OF NASHVILLE:

Sec. 1. That the existing license and franchise of Nashville Gas and Heating Company, a Tennessee corporation, granted by Ordinance No. 155 of Mayor and City Council of Nashville, passed by the Council on October 9, 1911, approved by the Mayor October 10, 1911, and accepted by the Company on October 10, and approved by the qualified voters on April 15, 1912, ~~1911~~, is hereby extended for a period of thirty years from and after the termination of such existing license and franchise, subject to the continuing obligations and the continuing terms and conditions of said franchise, as set out in said Ordinance No. 155, which shall remain in full force and effect throughout the period of said thirty-year extension. /

Sec. 2. That said license and franchise, as extended, shall at all times be subject to the terms, conditions, provisions and obligations set out and contained in Article 54 of the Charter of the City of Nashville, to-wit, Chapter 246 of the Private Acts passed by the 75th General Assembly of the State of Tennessee in the year 1947.

its legally constituted representatives, file with the City Clerk a written acceptance of this extension grant, with all of its terms, limitations and requirements, and a failure so to accept the same within said time shall of itself work a revocation of this extension grant.

Sec. 4. That in the event of the acceptance of this ordinance by the Nashville Gas and Heating Company, as hereinbefore provided in Section 3, then this ordinance shall be submitted to the qualified voters of the City of Nashville at the next regular primary or general election held within the City of Nashville and occurring more than sixty days after the date of the unconditional acceptance of such extended franchise by the Nashville Gas and Heating Company. This ordinance shall become effective only in the event it is approved by three-fifths (3/5ths) of the electors voting thereon in such election. The returns of any such election shall be canvassed and the result declared as provided by law.

Sec. 5. Be it further enacted that this Ordinance take effect from and after its passage, the welfare of the City requiring it.

Introduced by:

Walter Morgan
For W. Sailer
J. M. Cuyler

SEAL OF THE CITY

Bill No. 50-341

AN ORDINANCE EXTENDING THE LICENSE AND FRANCHISE OF NASHVILLE GAS AND HEATING COMPANY, A TENNESSEE CORPORATION, FOR AN ADDITIONAL PERIOD OF THIRTY YEARS FROM THE EXPIRATION OF ITS EXISTING LICENSE OR FRANCHISE.

The within bill approved as to form and legality.

Introduced JAN 3 - 1950 Attorney.
Passed first Reading JAN 3 - 1950
Referred to Committee of Whole
Amended JAN 3 - 1950
Amendment Stricken: JAN 18 1950
& Passed second Reading FEB 7 1950
Referred to _____
Passed third Reading FEB 9 1950

INTRODUCED BY

Approved Dec. 10 - 1950
By [Signature] Mayor

Departments Notified FEB 14 1950
Enrolled Book 9 Page 6
Advertised 1-21-50

FEB 30 49 PM



OF NASHVILLE
CITY CLERK

Amended &

A RESOLUTION OFFICIALLY RECORDING THE APPROVAL OF
BILL NO. 50-341 BY VOTE OF THE PEOPLE AT THE SPECIAL
ELECTION HELD ON APRIL 18, 1950.

WHEREAS, the City Council of the City of Nashville, on
February 9, 1950, passed on third and final reading Bill No.
50-341, entitled:

"An Ordinance extending the license and franchise
of Nashville Gas and Heating Company, a Tennessee
corporation, for an additional period of thirty
years from the expiration of its existing license
or franchise."

AND WHEREAS, said Bill No. 50-341 was duly approved and
signed by the Mayor of the City of Nashville on February 10,
1950, and Nashville Gas and Heating Company filed its written
unconditional acceptance of the extension of its license and
franchise pursuant to the terms, provisions and conditions of
Article 54 of the Charter of the City of Nashville and said
Bill No. 50-341, said acceptance having been filed with the
City Clerk on February 15, 1950;and

WHEREAS, the City Council of the City of Nashville, by
Resolution No. 50-1089, adopted February 21, 1950, fixed and
determined the expense of holding the special election re-
quired under the provisions of said Bill No. 50-341 to be the
estimated amount of \$5,000.00 and required said amount to be
deposited with the City Clerk by the said Nashville Gas and
Heating Company and directed the City Clerk to make proper
refund of any excess sum to the said Nashville Gas and Heating
Company in the event the cost of said special election was
less than said sum of \$5,000.00 and requiring Nashville Gas and
Heating Company to pay over to the City Clerk the amount of any
additional expense for the holding of said special election in
the event such expense exceeded the said sum of \$5,000.00; and

WHEREAS, said Bill No. 50-341 was duly submitted to the qualified voters of the City of Nashville at a special election held on Tuesday, April 18, 1950, in accordance with the provisions, requirements and conditions set out in Section 4 of said Bill No. 50-341, said special election having been duly called and advertised as required by law, and said Bill No. 50-341 having been published in full in one publication appearing in the Nashville Tennessean on the 13th day of April, 1950, and one publication appearing in the Nashville Banner on the 13th day of April, 1950, as required by the terms and provisions of Section 4 of said Bill No. 50-341; and

WHEREAS, the Davidson County Board of Election Commissioners, on April 24, 1950, duly certified the holding and the result of said special election to the said City of Nashville and filed the said certification with the Clerk of the City of Nashville as required by law, said certification being as follows, to-wit:

"STATE OF TENNESSEE
COUNTY OF DAVIDSON

We, A. Roy Greene, Bascom F. Jones, and John A. Pritchett, Commissioners of Election, for the above named State and County, certify that pursuant to the passage of Ordinance 50-341, as amended, providing for the extension of the license and franchise of the Nashville Gas and Heating Company, a Tennessee corporation, for an additional period of thirty years from April 15, 1952, and in accordance with the provisions set out in Article 54, of the Charter of the City of Nashville, to-wit, Chapter 246, of the Private Acts passed by the 75th General Assembly of the State of Tennessee, in the year 1947, an election was held in all of the Precincts of the various Wards of the City of Nashville, Davidson County, on the 18th day of April, in the year 1950. At said election, there were cast 'FOR' the extension of the said license and franchise of the Nashville Gas and Heating Company, two-thousand-eight-hundred-forty-seven (2,847) votes, and 'AGAINST' the extension, two-hundred-seven (207) votes.

"This the 24th day of April, 1950.

DAVIDSON COUNTY BOARD OF ELECTION COMMISSIONERS

A. Roy Greene, Sr. (Signed)
A. Roy Greene, Chairman

Bascom F. Jones (Signed)
Bascom F. Jones, Vice-Chairman

John A. Pritchett (Signed)
John A. Pritchett, Secretary."

AND WHEREAS, the existing license and franchise of the said Nashville Gas and Heating Company, granted by Ordinance No. 155 of Mayor and City Council of Nashville, passed on October 9, 1911, and approved by the Mayor October 10, 1911, and approved by the qualified voters on April 15, 1912, expiring on April 15, 1952, has now been extended for an additional period of thirty years from and after April 15, 1952, said extension expiring on April 15, 1982, subject to the terms, provisions and conditions of said Bill No. 50-341, which extension is now in full force and effect, and it having been ascertained that the total cost of the holding of said special election was \$5,711.20, as certified to the City Council by the City Clerk, and Nashville Gas and Heating Company having paid said excess cost of \$711.20 to the City Clerk;

NOW THEREFORE BE IT RESOLVED by the Mayor and the City Council of the City of Nashville that this resolution be adopted to officially evidence the aforesaid extension of the existing license and franchise of Nashville Gas and Heating Company to April 15, 1982, subject to all of the terms, conditions and provisions of said Bill No. 50-341; and

BE IT FURTHER RESOLVED that the Clerk of the City of Nashville shall issue a certified copy of this resolution to the said Nashville Gas and Heating Company as evidence of the

CERTIFICATION

STATE OF TENNESSEE
COUNTY OF DAVIDSON

We, the undersigned members of the Davidson County, Tennessee, Election Commission, hereby certify that pursuant to Ordinance No. 74-861 of the Metropolitan County Council of the Metropolitan Government of Nashville and Davidson County, as amended, providing for the amendment, renewal and extension of the license and franchise of the Nashville Gas Company, a Tennessee corporation, for a period of thirty years from the date of its approval by the electors of The Metropolitan Government of Nashville and Davidson County on May 2, 1974 and in accordance with the provisions of Article 17 of the Charter of The Metropolitan Government of Nashville and Davidson County, an election was held in all of the precincts of Davidson County, which is coextensive with the area of The Metropolitan Government of Nashville and Davidson County, on the 2nd day of May, 1974. The question submitted to the electors as it appeared on the ballots is as follows:

Do you approve Ordinance No. 74-861 of the Council of The Metropolitan Government of Nashville and Davidson County amending and extending the license and franchise of the Nashville Gas Company, which ordinance was enacted on February 28, 1974?

YES

NO

We hereby certify that the following is a full, true, correct and complete compilation of the results of said election as shown by the canvassing of said returns:

YES 32,006

NO 9,442

This certified statement is made in duplicate pursuant to T.C.A. 2-805 and the Secretary of the Davidson County Election shall deliver the original of the duplicate of this certified statement to the Metropolitan Council of The Metropolitan Government of Nashville and Davidson County and take a receipt for it and shall deposit the other copy of the statement in the office of the County Court Clerk of Davidson County and take a receipt for it as provided in T.C.A. 2-806 (b).

Henry B. Kelley

D. Vincent

Clarence E. Reynolds
Clarence Reynolds, Chairman

Barbara Outhier
Mrs. Barbara Outhier, Secretary

James R. Smith

AND WHEREAS, the existing license and franchise of the said Nashville Gas Company, granted by Ordinance No. 50-341 of the Mayor and City Council of Nashville, passed on February 9, 1950, and approved by the Mayor on February 10, 1950, and approved by the qualified voters on April 18, 1950, expiring on April 15, 1982, has now been amended and extended for an additional period of thirty years from and after May 2, 1974, said extension expiring on May 2, 2004, subject to the terms, provisions and conditions of said Substitute Bill No. 74-861, which amendment and extension are now in full force and effect, and it having been ascertained that the \$6,000.00 total cost of holding the said special election, as certified to the Metropolitan Council by the County Election Commission of Davidson County, has been paid to the Treasurer of the Metropolitan Government of Nashville and Davidson County for the said County Election Commission; and,

WHEREAS, it is appropriate that the Council of The Metropolitan Government of Nashville and Davidson County officially evidence the aforesaid amendment and extension of the existing license and franchise of Nashville Gas Company to May 2, 2004, subject to all of the terms, conditions and provisions of said Substitute Bill No. 74-861;

BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

SECTION 1. That Ordinance No. 74-861, having been approved by the electors of The Metropolitan Government of Nashville and Davidson County by three-fifths (3/5) of the electors voting at a Special Election held on May 2, 1974 at which the question of the approval or disapproval of said

Ordinance No. 74-861 was submitted to the electors of the said Metropolitan Government, the license and franchise of the Nashville Gas Company is amended and extended to expire on May 2, 2004 in accordance with the provisions and subject to the terms and conditions of Ordinance No. 74-861.

SECTION 2. The Metropolitan Clerk of The Metropolitan Government of Nashville and Davidson County shall issue a certified copy of this resolution to Nashville Gas Company as evidence of the said amendment and extension of its license and franchise to expire on May 2, 2004.

SECTION 3. This resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

H. Gordon Arslan

Members of Council

ITAH
IL

MAY 74

METROPOLITAN COUNTY COUNCIL

Resolution No. 74-994

A RESOLUTION OFFICIALLY RECORD-
ING THE APPROVAL OF ORDINANCE
NO. 74-861 BY VOTE OF THE PEOPLE
AT THE SPECIAL ELECTION HELD ON
MAY 2, 1974, AMENDING AND EXTEND-
ING THE LICENSE AND FRANCHISE OF
NASHVILLE GAS COMPANY FOR THIRTY
YEARS.

Introduced MAY 21 1974

Adopted MAY 21 1974

Approved *Alvin D. Bell*

By JUN 4 1974
MAYOR.

Department Notified JUN 6 1974

aforesaid extension of its existing license and franchise;
and

BE IT FURTHER RESOLVED that this resolution take effect from and after its adoption, the welfare of the City of Nashville requiring it.

Introduced by:

J. Bartlett
Member of the City Council

Resolution No. 50-1189

CITY COUNCIL

A RESOLUTION OFFICIALLY RECORDING THE APPROVAL OF BILL NO. 50-341 BY VOTE OF THE PEOPLE AT THE SPECIAL ELECTION HELD ON APRIL 18, 1950.

Introduced MAY 2 1950

Adopted MAY 2 1950

INTRODUCED BY

Approved May - 3 - 1950
By [Signature]
MAYOR

Department Notified MAY 4 1950

Enrolled Book 8 Page 127

1:50 PM



NASHVILLE
CLERK

AMENDMENT NO. 1 TO SUBSTITUTE BILL NO. 74-861

Substitute Bill No. 74-861 is hereby amended by adding at the end of Section 4 thereof the following words and phrases:

Ordinance No. 155 of the former City of Nashville, as amended and extended by Ordinance No. 50-341 of such city, is hereby further amended by adding at the end of Section 2 thereof the following:

"Regardless of anything herein to the contrary, after the Nashville Gas Company has made any excavation in any street, alley, sidewalk or other public way owned by or under the control of the Metropolitan Government, the Nashville Gas Company shall replace and repair such excavated places in compliance with the specifications of the then current regulations of the Director of Public Works of the Metropolitan Government applicable to all persons or corporations, including, but not limited to, contractors and privately and publicly owned utility companies or agencies."

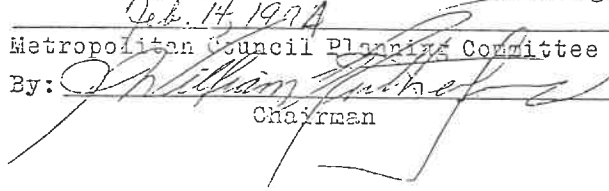
ADOPTED: FEB 5 1974

Submitted by:


Member of the Council

Approved and Recommended Unanimously
by the Planning Committee at its meeting

Feb. 14, 1974
Metropolitan Council Planning Committee

By: 
Chairman

SUBSTITUTE BILL NO. 74-861

AN ORDINANCE AMENDING AND EXTENDING THE
LICENSE AND FRANCHISE OF NASHVILLE GAS
COMPANY (FORMERLY NASHVILLE GAS AND
HEATING COMPANY), A TENNESSEE CORPORATION,
FOR AN ADDITIONAL PERIOD OF THIRTY YEARS.

BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN
GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

SECTION 1. That the existing license and franchise of Nashville Gas Company (formerly Nashville Gas and Heating Company, the latter's name having been changed to Nashville Gas Company by Charter Amendment) a Tennessee corporation, granted by Ordinance No. 155 of the Mayor and City Council of the former City of Nashville which became effective on the 15th day of April, 1912 and which was amended and extended by Ordinance No. 50-341, as amended, of the former City of Nashville, adopted by the City Council on February 9, 1950, approved by the Mayor on February 10, 1950, accepted by the Nashville Gas and Heating Company on February 15, 1950, and approved by the requisite number of the qualified voters in referendum on April 18, 1950 as recorded by Resolution No. 50-1189 of the Council of the former City of Nashville adopted May 2, 1950, is hereby amended to authorize the Nashville Gas Company to do, within the General Services District of the said Metropolitan Government, all things which it is permitted to do by its said license and franchise granted by Ordinance No. 151 of the former City of Nashville as amended and extended by Ordinance No. 50-341 of the former City of Nashville; and the said license and franchise granted by the said Ordinance No. 155 as amended and extended by Ordinance No. 50-341 is hereby further amended by deleting the words "City of Nashville" wherever it appears in said Ordinance No. 155, as amended and extended by Ordinance

No. 50-341 of the former City of Nashville, and substituting in lieu thereof the words "Metropolitan Government of Nashville and Davidson County". The said Ordinance No. 155 of the former City of Nashville as amended and extended by Ordinance No. 50-341 of said city is further amended by striking therefrom the word "City" wherever it appears in such Ordinance as amended and extended and substituting in lieu thereof the words "Metropolitan Government". The said Ordinance No. 155 of the former City of Nashville, as amended and extended by Ordinance No. 50-341 of the said city is hereby amended by deleting therefrom the words "Board of Public Works" wherever they appear in such Ordinance as amended and extended and by substituting in lieu thereof the words "Metropolitan Government of Nashville and Davidson County".

SECTION 2. That the said Ordinance No. 155 of the former City of Nashville as amended and extended by Ordinance No. 50-341 is hereby amended by deleting therefrom the words "Nashville Gas and Heating Company" wherever they may appear and substituting therefor the words "Nashville Gas Company"; and by deleting therefrom the word "recorder" wherever it may appear in said Ordinance, as amended and extended, and substituting in lieu thereof the words "Metropolitan Clerk".

SECTION 3. That Ordinance No. 50-341 of the former City of Nashville is hereby amended by deleting Section 4 thereof in its entirety.

SECTION 4. That Ordinance No. 155 of the former City of Nashville as amended and extended by Ordinance No. 50-341 of such city is hereby amended by striking therefrom the last three (3) sentences of Section 8 thereof and deleting therefrom Section 9 in its entirety.

SECTION 5. That the license and franchise granted Nashville Gas Company by Ordinance No. 155 of the former City of Nashville as amended

and extended by Ordinance No. 50-341 of the said former City of Nashville and as amended herein is hereby renewed and extended for a period of thirty years from and after the date of the approval of this Ordinance by the electors of the Metropolitan Government as provided in Section 17.02 of the Charter of the Metropolitan Government of Nashville and Davidson County, subject to the continuing obligations and continuing terms and conditions of the said franchise as set out in Ordinance No. 155 as amended by Ordinance No. 50-341 of the former City of Nashville and as amended by this Ordinance, which shall remain in full force and effect throughout the period of the said thirty year renewal and extension.

SECTION 6. That the said license and franchise, as amended, renewed and extended shall at all times be subject to the terms, conditions and obligations set out and contained in Article 17 of the Charter of the Metropolitan Government of Nashville and Davidson County.

SECTION 7. That within ten days after the final approval of this Ordinance said Nashville Gas Company shall by its legally constituted representatives, file with the Metropolitan Clerk a written acceptance of this extension grant, with all of its terms, limitations and requirements, and a failure so to accept the same within said time shall, of itself, work a revocation of this renewal and extension grant.

SECTION 8. That in the event of the acceptance of this Ordinance by the Nashville Gas Company, as hereinbefore provided in Section 7 and the payment to the Metropolitan Election Commission of an equitable portion of the expenses of the primary election, which portion of such expenses of the primary election shall be determined by the Metropolitan Election Commission, then this Ordinance shall be submitted to the qualified voters of the Metropolitan Government at an election to be held on May 2, 1974 provided such primary election occurs more than sixty days after the date of the unconditional

election is to be held at the same time and in connection with the primary election on May 2, 1974 in accordance with the provisions of the law governing such elections and the provisions of Article 17 of the Metropolitan Charter. The ballot at such election shall contain a brief statement of the purposes of this Ordinance and shall submit to the voters the following question:

Do you approve Ordinance No. 74-861 of the Council of the Metropolitan Government of Nashville and Davidson County amending and extending the license and franchise of the Nashville Gas Company?

Yes

No

The returns of such election shall be canvassed and declared as provided by law. This Ordinance shall become effective only in the event it is approved by three-fifths of the electors voting thereon in such election, and if so approved such license and franchise shall be extended as hereinabove provided without requiring the payment of any consideration therefor other than the annual payments as expressly set out in Ordinance No. 155 of the former City of Nashville, as amended by Ordinance No. 50-341 of said city.

This Ordinance shall be published in full, one publication to appear in the Nashville Tennessean and one publication in the Nashville Banner. Said publication shall be made not more than seven days nor less than three days before said election.

SECTION 9. This Ordinance shall take effect from and after its passage, the welfare of the Metropolitan Government requiring it.

Introduced by:

CIT

2

FILED
METROPOLITAN
COUNCIL

9 32 AM '74

METROPOLITAN COUNTY COUNCIL
SUBSTITUTE

Bill No. 74-861

AN ORDINANCE AMENDING AND
EXTENDING THE LICENSE AND
FRANCHISE OF NASHVILLE GAS
COMPANY (FORMERLY NASHVILLE
GAS AND HEATING COMPANY), A
TENNESSEE CORPORATION,
FOR AN ADDITIONAL PERIOD OF
THIRTY YEARS. ~~XXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~

Certify

The within bill approved as to form and
legality.

Metropolitan Attorney.

Introduced _____

Passed first Reading _____

Referred to FEB 5 1974

Amended _____

Passed second Reading FEB 5 1974

Referred to Planning & Zoning Committee

Passed third Reading FEB 19 1974

Approved FEB 28 1974

By Wm. H. Doolittle
Metropolitan Mayor RAH

Departments Notified MAR 1 1974

Advertised JAN 25 1974

The Metropolitan Government of Nashville and
Davidson County
c/o The Metropolitan Clerk
Metropolitan Courthouse
Nashville, Tennessee



As provided in Section 17.02 of the Charter of The
Metropolitan Government of Nashville and Davidson County, and in
accordance with the requirements of Ordinance No. 74-861 passed on
the third and final reading by The Metropolitan County Council of The
Metropolitan Government of Nashville and Davidson County on Tuesday,
February 19, 1974, and approved by the Metropolitan County Mayor on
February 28, 1974, Nashville Gas Company unconditionally accepts the
extension grant of its license and franchise with all the terms, limitations
and requirements set out in the said Ordinance No. 74-861, this 28th
day of February, 1974.

NASHVILLE GAS COMPANY

BY: John C. Bolinger, Jr.
John C. Bolinger, Jr., President

Attest:

W. C. Anderson
W. Crew Anderson, Secretary-Treasurer

Metropolitan Government of Nashville and Davidson County



RUTH JUDD
METROPOLITAN CLERK
205 COURTHOUSE
NASHVILLE, TENNESSEE 37201

March 1, 1974

Mrs. Guynell Sanders
Registrar-at-Large
Ground Floor
Metropolitan Courthouse
Nashville, Tennessee 37201

Dear Mrs. Sanders:

We are enclosing a certified copy of Substitute Bill No. 74-861, an ordinance amending and extending the license and franchise of Nashville Gas Company (formerly Nashville Gas and Heating Company), a Tennessee Corporation, for an additional period of thirty years.

This substitute ordinance passed third reading on February 19, 1974, and was approved on February 28, 1974.

Very truly yours,

Ruth Judd
Metropolitan Clerk

RJ/ch

Enclosure

Blind CC: Mr. Seymour Samuels
Attorney-at-Law

Metropolitan Government of Nashville and Davidson County



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METROPOLITAN CLERK
205 COURTHOUSE
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Metropolitan Clerk

RJ/ch

Enclosure

Blind CC: Mr. Seymour Samuels
Attorney-at-Law

RESOLUTION NO. 74-979

A RESOLUTION DETERMINING AND FIXING \$6,000.00 TO BE THE EXPENSE OF HOLDING THE SPECIAL ELECTION TO BE HELD UNDER THE PROVISIONS OF ARTICLE 17 OF THE METROPOLITAN CHARTER AND ORDINANCE NO. 74-861, PASSED BY THE METROPOLITAN COUNCIL ON FINAL READING ON TUESDAY, FEBRUARY 19, 1974, APPROVED BY THE MAYOR ON FEBRUARY 28, 1974, AMENDING AND EXTENDING THE LICENSE AND FRANCHISE OF THE NASHVILLE GAS COMPANY.

WHEREAS, Nashville Gas Company has filed its written unconditional acceptance of the amendment and extension of its license and franchise pursuant to Article 17 of the Charter of The Metropolitan Government of Nashville and Davidson County and Ordinance No. 74-861 of the Metropolitan Government, such acceptance having been filed on the 28th day of February, 1974; and,

WHEREAS, The Davidson County Election Commission, sometimes referred to as The Metropolitan Election Commission, by resolution adopted the 1st day of April, 1974, has determined Six Thousand Dollars (\$6,000.00) to be the cost of holding a special election, submitting to the electors of The Metropolitan Government of Nashville and Davidson County the question of amending and extending the license and franchise of the Nashville Gas Company, which amount represents an equitable portion of the expenses of the primary election to be held on May 2, 1974 and those expenses directly attributable to the said special election.

BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

SECTION 1. That the expense of holding, at the time of May 2, 1974 primary elections, the special election required

under the provisions of Ordinance No. 74-861 and of Article 17 of the Charter of the Metropolitan Government is \$6,000.00, which amount shall be deposited with the Treasurer of The Metropolitan Government of Nashville and Davidson County by the Nashville Gas Company. In the event a primary election and the said special election are not held at the same time on May 2, 1974, the said \$6,000.00 shall be refunded to the Nashville Gas Company by the Treasurer of the Metropolitan Government.

SECTION 2. The said \$6,000.00, hereby declared to be the expense of holding said special election, shall be paid by the Nashville Gas Company to The Metropolitan Government of Nashville and Davidson County, Tennessee, subject to the proviso contained in Section 1. The Davidson County Election Commission has determined that \$6,000.00 is the complete cost of holding a special election on the franchise of the Nashville Gas Company as is evidenced by a resolution passed by said Commission attached hereto and made a part hereof.

SECTION 3. This Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:



Members of Council

DAVIDSON COUNTY ELECTION COMMISSION

A RESOLUTION DETERMINING AND FIXING
THE EXPENSE OF A SPECIAL ELECTION TO
BE HELD UNDER PROVISIONS OF ORDINANCE
NO. 74-861 OF THE METROPOLITAN GOVERNMENT
TO BE HELD AT THE SAME TIME AS THE MAY 1,
1974 DEMOCRATIC PRIMARY ELECTIONS.

BE IT RESOLVED BY THE DAVIDSON COUNTY ELECTION
COMMISSION:

1. Pursuant to the provisions of Section 8 of Ordinance No. 74-861 of The Metropolitan County Council of The Metropolitan Government of Nashville and Davidson County, the expense of holding a special election submitting to the electors of the Metropolitan Government of Nashville and Davidson County the question of amending and extending the license and franchise of the Nashville Gas Company is Six Thousand Dollars (\$6,000) which represents an equitable portion of the expenses of the primary election to be held on May 2, 1974 and those expenses directly attributable to the said special election.

2. The Nashville Gas Company is directed to pay to the Treasurer of the said Metropolitan Government for the account of the Davidson County Election Commission the said sum of \$6,000.00.

Adopted this 1st day of April, 1974.

Mrs Barbara Outley
D. J. Vincent
Glenn B. Talley
James R. Smith

METROPOLITAN COUNTY COUNCIL

Resolution No. 74-979

A RESOLUTION DETERMINING AND FIXING \$6,000.00 TO BE THE EXPENSE OF HOLDING THE SPECIAL ELECTION TO BE HELD UNDER THE PROVISIONS OF ARTICLE 17 OF THE METROPOLITAN CHARTER AND ORDINANCE NO. 74-861, PASSED BY THE METROPOLITAN COUNCIL ON FINAL READING ON TUESDAY, FEBRUARY 19, 1974, APPROVED BY THE MAYOR ON FEBRUARY 28, 1974, AMENDING AND EXTENDING THE LICENSE AND FRANCHISE OF THE NASHVILLE GAS COMPANY.

APR 2 1974

Introduced

APR 2 1974

Adopted

APR 16 1974

Approved

By *Harvey D. ...*
MAYOR

Department Notified

RESOLUTION NO. 74-994

A RESOLUTION OFFICIALLY RECORDING THE APPROVAL OF ORDINANCE NO. 74-861 BY VOTE OF THE PEOPLE AT THE SPECIAL ELECTION HELD ON MAY 2, 1974, AMENDING AND EXTENDING THE LICENSE AND FRANCHISE OF NASHVILLE GAS COMPANY FOR THIRTY YEARS.

WHEREAS, the Council of The Metropolitan Government of Nashville and Davidson County, on February 19, 1974, passed on third and final reading Substitute Bill No. 74-861, entitled:

"AN ORDINANCE AMENDING AND EXTENDING THE LICENSE AND FRANCHISE OF NASHVILLE GAS COMPANY (FORMERLY NASHVILLE GAS AND HEATING COMPANY), A TENNESSEE CORPORATION, FOR AN ADDITIONAL PERIOD OF THIRTY YEARS."

AND WHEREAS, said Substitute Bill No. 74-861 was duly approved and signed by the Mayor of The Metropolitan Government of Nashville and Davidson County on February 28, 1974, and Nashville Gas Company filed its written unconditional acceptance of the amendment and extension of its license and franchise pursuant to the terms, provisions and conditions of Article 17 of the Charter of The Metropolitan Government of Nashville and Davidson County and said Substitute Bill No. 74-861, said acceptance having been filed with the Metropolitan Clerk on February 28, 1974; and,

WHEREAS, the Council of The Metropolitan Government of Nashville and Davidson County by Resolution No. 74-979, adopted April 2, 1974, fixed and determined the expense of holding the special election required under the provisions of said Substitute Bill No. 74-861 to be the amount of \$6,000 and required said amount to be deposited with the

WHEREAS, said Substitute Bill No. 74-861 was duly submitted to the qualified voters of the City of Nashville at a special election held on Thursday, May 2, 1974, in accordance with the provisions, requirements and conditions set out in Section 8 of said Substitute Bill No. 74-861, said special election having been duly called and advertised as required by law, and said Substitute Bill No. 74-861 having been published in full in one publication appearing in the Nashville Tennessean on the third day of April, 1974, and one publication appearing in the Nashville Banner on the third day of April, 1974, as required by T.C.A. Section 2-1216 (b) and the said Substitute Bill No. 74-861 having been published in full in one publication appearing in the Nashville Tennessean on the 26th day of April, 1974 and in one publication appearing in the Nashville Banner on the 26th day of April, 1974, as required by Section 8 of said Substitute Bill No. 74-861; and,

WHEREAS, the Davidson County Election Commission, in May 1974, duly certified the holding and the result of said special election to the said Metropolitan Government of Nashville and Davidson County and filed the said certification with the Metropolitan Clerk as required by law, said certification being as follows, to wit:

STATE OF TENNESSEE
COUNTY OF DAVIDSON

We, the undersigned members of the Davidson County, Tennessee, Election Commission, hereby certify that pursuant to Ordinance No. 74-861 of the Metropolitan County Council of The Metropolitan Government of Nashville and Davidson County, as amended, providing for the amendment, renewal and extension of the license and franchise of the Nashville Gas Company, a Tennessee corporation, for a period of thirty years from the date of its approval by the electors of The Metropolitan Government of Nashville and Davidson County on May 2, 1974, and in accordance with the provisions of Article

precincts of Davidson County, which is co-extensive with the area of The Metropolitan Government of Nashville and Davidson County, on the 2nd day of May, 1974.

The question submitted to the electors as it appeared on the ballots is as follows:

Do you approve Ordinance No. 74-861 of the Council of The Metropolitan Government of Nashville and Davidson County amending and extending the license and franchise of the Nashville Gas Company, which ordinance was enacted on February 28, 1974?

YES

NO

We hereby certify that the following is a full, true, correct and complete compilation of the results of said election as shown by the canvassing of said returns:

YES 32,006

NO 9,442

This certified statement is made in duplicate pursuant to T.C.A. 2-805 and the Secretary of the Davidson County Election shall deliver the original of the duplicate of this certified statement to the Metropolitan Council of The Metropolitan Government of Nashville and Davidson County and take a receipt for it and shall deposit the other copy of the statement in the office of the County Court Clerk of Davidson County and take a receipt for it as provided in T.C.A. 2-806 (b).

s/ Clarence E. Reynolds, Jr.
Clarence Reynolds, Chairman

s/ Barbara Outhier
Mrs. Barbara Outhier, Secretary

s/ James R. Everett, Jr.
James R. Everett, Jr.