

1ST READING 3-26-12
2ND READING 3-27-12

ORDINANCE NO. 12579

AN ORDINANCE GRANTING UNTO ENGLEWOOD ENTERPRISES A FRANCHISE FOR CONSTRUCTION, REPAIR, AND MAINTENANCE OF AN ETHANOL PIPELINE LOCATED WITHIN THE RIGHT-OF-WAY IN THE 4200 AND 4300 BLOCK OF JERSEY PIKE (CASE NO. MR-2012-019), AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That there be and is hereby granted unto the Englewood Enterprises (hereinafter "Grantee") a franchise for construction, repair, and maintenance of an ethanol pipeline located within the right-of-way in the 4200 and 4300 block of Jersey Pike (Case No. MR-2012-019), in the City of Chattanooga, as shown on the map attached hereto and made a part hereof by reference.

SECTION 2. An administrative fee of \$10,000.00 shall be paid by Grantee upon acceptance of this franchise to cover the City's administrative costs of processing the franchise application. An administrative fee of \$500.00 per year shall be paid to the City throughout the term of the franchise for ongoing administrative monitoring services provided by the City. The annual administrative fee may be adjusted from time to time by the City utilizing the most analogous provisions of the Consumer Price Index or any substitute index of similar character to update the cost of providing the annual monitoring and oversight of this franchise.

SECTION 3. BE IT FURTHER ORDAINED, That this franchise is granted upon the conditions as set forth below:

1. Grantee shall comply with applicable provisions of Chattanooga City Code, Part II, Chapter 32, Article XI, excluding gross revenue provisions, as the same now exists or as it may reasonably be amended;
2. All existing underground utilities shall maintain their respective easements, including, but not limited to, Tennessee-American Water Company, Chattanooga Gas Company, and AT&T;
3. Grantee shall comply with all applicable City ordinances and state laws;
4. Grantee shall comply with any special requirements by the City Engineer with respect to the specific location of the piping;
5. Grantee shall design and construct using a dual containment pipeline system with leak detection substantially in conformance with Tennessee Department of Environment and Conservation, Division of Underground Storage Tanks requirements for similar systems used in conjunction with underground storage tanks. Such leak detection shall be monitored and have a system for recording the output of the monitoring system. Records shall be accessible for inspection by the City for a period of at least three (3) years;
6. Grantee shall comply with the requirements listed in the application attachment named Ethanol Doc Final. Should there be a conflict between these rules and those expressed or implied by any other condition herein, the more stringent rules, as determined jointly by the Fire Marshall and the City Engineer, shall prevail.

7. The engineering design for the piping shall be prepared by a competent engineering group and installation shall be performed by a competent contractor;
8. The construction and placement of the piping shall have no adverse effect on any adjacent properties;
9. Grantee shall assume full and complete responsibility for maintenance of the piping and permanently maintain said piping in a safe condition;
10. The City shall suffer no costs of any kind as a result of granting this franchise;
11. Grantee shall defend, indemnify and hold harmless the City, its officers, employees, successors, and assigns from any and all actions or claims for damages arising out of or related to the installation or maintenance of the pipeline; and
12. Grantee shall provide for approval evidence of insurance to further indemnify the City against losses whatever kind and nature during construction and as a result of the piping being constructed and placed in the right-of-way.

SECTION 3. BE IT FURTHER ORDAINED, That the term of this franchise shall be for a period of forty (40) years.

SECTION 4. BE IT FURTHER ORDAINED, That this ordinance shall not be operative, as distinguished from its effectiveness, unless and until the franchise herein granted is accepted by the Grantee by due execution of the acceptance attached hereto.

SECTION 5. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

PASSED on Second and Final Reading

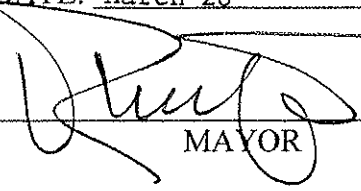
March 27, 2012.



CHAIRPERSON

APPROVED: x DISAPPROVED: _____

DATE: March 28, 2012



MAYOR

MAM/mms

ACCEPTANCE

The foregoing franchise and its terms and conditions are hereby accepted.

This the ____ day of _____, 2012.

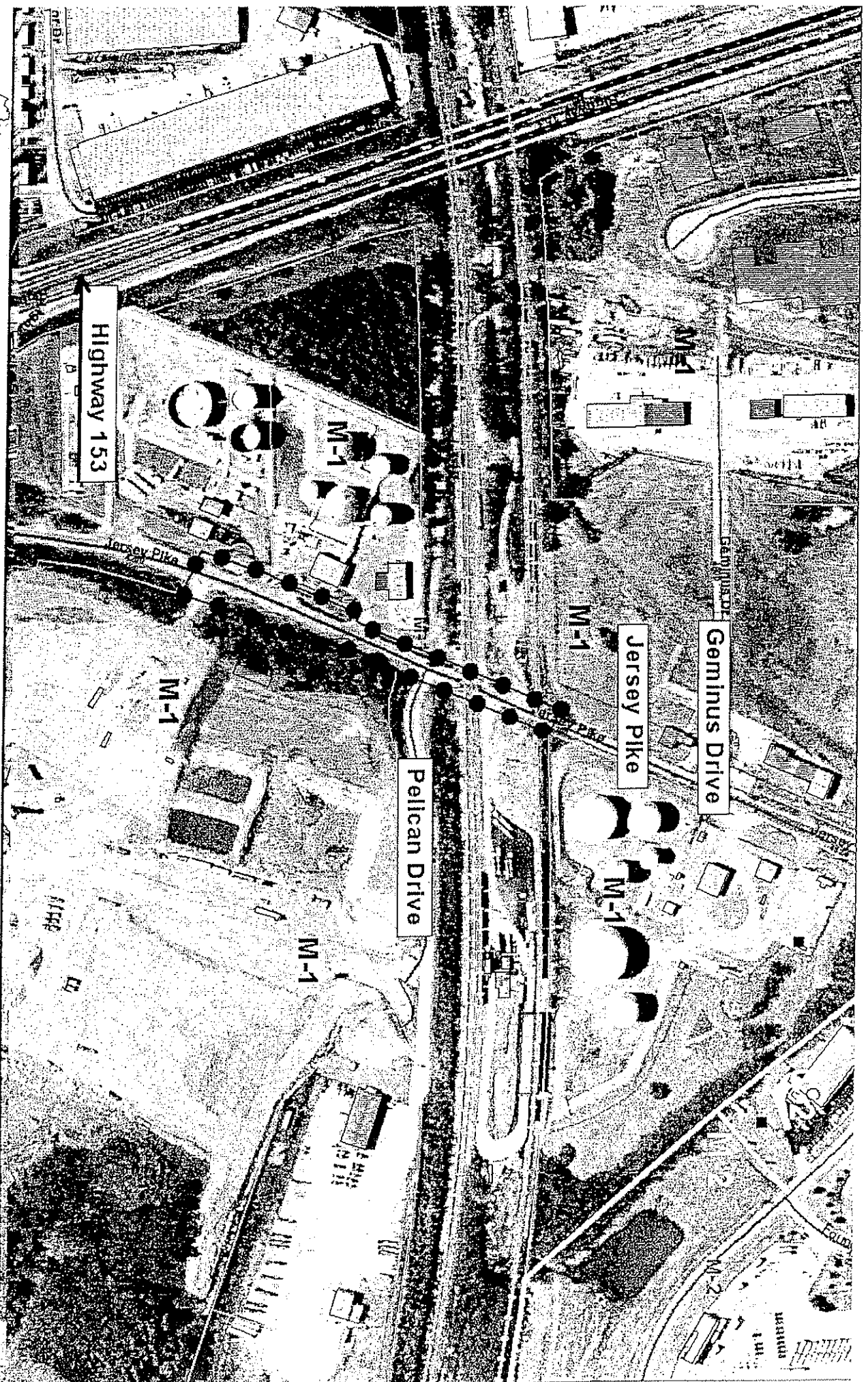
ENGLEWOOD ENTERPRISES

BY: _____

Print Name

Title

WITNESS:



MR-2012-0019 Franchise for Ethanol Pipeline

Challengooga - Hamilton County Regional Planning Agency

1 in. = 300.0 feet



Ethanol Franchise 4200-4300 Jersey Pike
March 20, 2012

Initial processing costs (\$100/hr)

item	Principal staff (hours)	Cost
preliminary application review	2	\$ 200
Codes research	8	\$ 800
complete application review	2	\$ 200
Planning Commission	1	\$ 100
Ordinance preparation	4	\$ 400
permit review and approval (PW)	8	\$ 800
permit review and approval (FD)	8	\$ 800
Inspection (Public Works)	40	\$ 4,000
Inspection (Fire Department)	16	\$ 1,600
As-built processing (PW)	2	\$ 200
Final review & approval (PW & FD)	8	\$ 800
		<u>\$ 9,900</u>

Annual administrative costs (\$100/hr)

item	Principal staff (hours)	Cost
ROW inspection (PW)	1	\$ 100
on site records review (PW & FD)	2	\$ 200
		<u>\$ 300</u>