

ORDINANCE NO. 2020-04

**AN ORDINANCE TO GRANT THE USE OF NATURAL SPRING WATER
AT REED-HARVEY PARK FOR BOTTLING OF CITY BRANDED
WATER BY H2O SPORTS NATURAL SPRING WATER, INC.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CENTER
POINT, ALABAMA, as follows:**

Section 1. Franchise Granted; Term. There is hereby granted to H2O Sports Natural Spring Water, Inc. (the "Franchisee") the use of natural spring water at Reed-Harvey Park for bottling of City of Center Point (the "City") branded water for an initial term of five (5) years, that will be automatically extended for an additional term of five (5) years, unless either party notifies the other in writing of its desire to not exercise this automatic extension at least one hundred and twenty (120) days before the expiration of the initial term.

Section 2. Franchise Agreement. The use granted to Franchisee shall be solely in accordance with the terms set forth in the agreement between the City and Franchisee attached hereto as **EXHIBIT A** (the "Agreement"). The Mayor is hereby authorized to execute the Agreement on behalf of the City. Franchisee shall, within a reasonable time following passage of this ordinance, execute the Agreement and file an executed original with the City Clerk of the City.


Section 3. Non-Exclusive Franchise. Nothing in this ordinance shall be construed as granting to the Franchisee the exclusive use of the City's natural spring water for the purpose set forth herein. The City may grant use of its natural spring water to more than one person or entity, within all or any portion of the City.

Section 4. Repealer. All ordinances or parts of ordinances heretofore adopted by the City Council, which are inconsistent with the provisions of this ordinance, are hereby expressly repealed.


Section 5. Severability. The provisions, sections, paragraphs, sentences, clauses, phrases, and parts thereof of this ordinance are severable, and if any provision, section, paragraph, sentence, clause, phrase, or part thereof of this ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, then such ruling shall not affect any other provision, section, paragraph, sentence, clause, phrase, or part thereof, since the same would have been enacted by the City Council without the incorporation of any such unconstitutional or invalid provision, section, paragraph, sentence, clause, phrase, or part thereof.

Section 6. Effective Date. This ordinance shall become effective on the seventh (7th) day following its adoption and approval by the Mayor and Council of the City and publication in accordance with the applicable provisions of Section 11-45-8 of the *Code of Alabama 1975*. All costs of publication shall be borne by the Franchisee.

ADOPTED this 26 day of March, 2020.



Roger A. Barlow, Council President



Bobby Scott, Councilmember



Linda Kennemur, Councilmember



James Howell, Councilmember

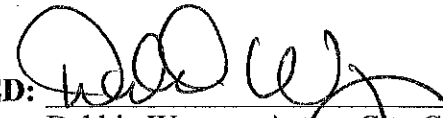


Terry Leesburg, Councilmember

APPROVED this 26 day of March, 2020.



Thomas E. Henderson, Mayor

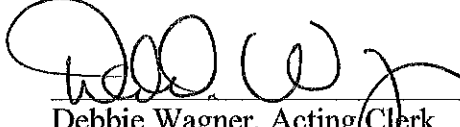
ATTESTED: 

Debbie Wagner, Acting City Clerk

CERTIFICATION:

I, Debbie Wagner, as Acting Clerk of Center Point, Alabama, hereby certify that the above and foregoing copy of Ordinance Number 2020-04 is a true and correct copy of such ordinance that was duly adopted by the Council of Center Point, Alabama, on the 26 day of March, 2020, as same appears in the official records of said City.

Posted at Center Point City Hall, Center Point Senior Center, and U.S. Post Office, Center Point, Alabama this the ___ day of _____, 2020.



Debbie Wagner, Acting Clerk