

ORDINANCE NO. 2021-023

**ORDINANCE CONFIRMING SALE AND
AWARDING NATURAL GAS FRANCHISE**

ORDINANCE CONFIRMING THE SALE AND AWARDING A NON-EXCLUSIVE NATURAL GAS FRANCHISE TO ATMOS ENERGY CORPORATION AND MILLENNIUM ENERGY, INC. FOR A TERM OF TWENTY (20) YEARS FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A NATURAL GAS DISTRIBUTION SYSTEM ALONG AND UNDER PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF FRANKLIN, KENTUCKY, IN RETURN FOR WHICH THE FRANCHISEES SHALL PAY TO THE CITY AN ANNUAL SUM EQUAL TO ONE PERCENT (1%) OF THE GROSS REVENUES DERIVED FROM THE FRANCHISE AWARDED HEREIN

WHEREAS, Ordinance No. 2021-016 adopted by the City of Franklin, Kentucky Board of Commissioners on August 16, 2021, provided for the creation and sale of a non-exclusive franchise for a term of twenty (20) years, for the privilege of constructing, operating, maintaining and distributing natural gas along and under public right-of-way within the corporate boundaries of the City of Franklin in accordance with the terms and conditions of the Gas Franchise Agreement referenced below; and,

WHEREAS, Ordinance No. 2021-016 also established a sealed bid process which included advertising the invitation for bids, notifying the public of the date for the submission of bids to the City and awarding the franchise to the successful bidder; and,

WHEREAS, after publication of the advertisement on September 2, 2021, and September 9, 2021, the City received bids from Atmos Energy Corporation and Millennium Energy, Inc.; and,

WHEREAS, it is in the best interests of the City to accept the bids from, to confirm the sales to, and award these non-exclusive natural gas franchises to Atmos Energy Corporation and Millennium Energy, Inc.

NOW, THEREFORE, BE IT ORDAINED by the City of Franklin, Kentucky as follows:

1. The gas franchise created by Ordinance No. 2021-023 is hereby awarded to the highest and best bidders, Atmos Energy Corporation and Millennium Energy, Inc., the companies that submitted the best responsive and responsible bids for the cost of advertising and sale of the franchise, plus the

franchise fee as provided in the franchise agreement. These franchises shall be effective upon approval and publication.

2. The Mayor and other appropriate City officials are hereby authorized and directed to execute the Gas Franchise Agreement, a copy of which agreement is attached and incorporated into this Ordinance, and are further hereby authorized and directed to execute duplicates of any bid letter in which the Mayor's signature is required.

3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portions of Ordinance.

4. All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

September 27, 2021 FIRST READING

October 11, 2021 SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on October 11, 2021, on motion made by Commissioner Powell and seconded by Commissioner Williams the foregoing ordinance was adopted, after full discussion, by the following vote:

YES WENDELL STEWART

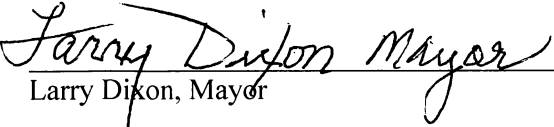
YES JAMIE POWELL

YES HERBERT WILLIAMS

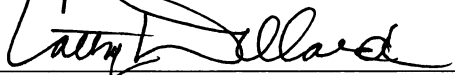
YES BROWNIE BENNETT

YES LARRY DIXON, MAYOR

APPROVED BY:


Larry Dixon, Mayor

ATTEST:


Cathy Dillard, City Clerk
City of Franklin, Kentucky