



ORDINANCE 2021- 08

AN ORDINANCE OF THE CITY OF ALEXANDRIA, IN CAMPBELL COUNTY, KENTUCKY, GRANTING A COMPETITIVE NONEXCLUSIVE FRANCHISE TO DUKE ENERGY KENTUCKY, INC., ("DUKE ENERGY"), FOR THE ERECTION, LAYING, OPERATION, AND MAINTENANCE OF NATURAL GAS TRANSMISSION AND DISTRIBUTION FACILITIES AND APPURTENANT EQUIPMENT IN, ALONG AND ACROSS THE PUBLIC WAYS, ROADS, STREETS, ALLEYS AND OTHER PUBLIC PLACES IN THE CITY OF ALEXANDRIA, KENTUCKY, FOR FURNISHING AND SELLING NATURAL GAS SERVICES AND PRODUCTS BY MEANS OF SAID FACILITIES; AND AUTHORIZING AND DIRECTING THE MAYOR, CITY CLERK, AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE AN APPROPRIATE FRANCHISE AGREEMENT TO CARRY OUT THE TERMS OF THIS ORDINANCE.

WHEREAS, the City of Alexandria ("City") wishes to ensure that the provision of natural gas services and products continues to be furnished to its citizens in a reliable, affordable and efficient manner;

WHEREAS, the City has adopted Ordinance 2021-03 which created nonexclusive competitive franchises ("Franchises") to use the City's public rights-of-way, public streets, ways, alleys and other public places in order to facilitate the provision of natural gas services and products;

WHEREAS, Ordinance 2021-03 further provided that the Franchises created by the Ordinance shall be bid in accordance with the applicable requirements of the Constitution of the Commonwealth of Kentucky and Chapter 424 of the Kentucky Revised Statutes, as well as any applicable City Ordinances;

WHEREAS, the City advertised for natural gas franchise bids according to law and Duke Energy Kentucky, Inc., ("Duke Energy") submitted a nonexclusive competitive bid to the City for franchise rights to provide natural gas services and products throughout the City;

WHEREAS, the City has determined that Duke Energy's natural gas services and products application is reasonable in light of community needs, and that Duke Energy has the ability to effectuate its franchise application;

WHEREAS, the City has determined that Duke Energy's competitive natural gas services and products franchise bid meets the community needs and interests of the City of Alexandria and its citizens; and

WHEREAS, the public has had adequate notice and opportunity for comment.

NOW, THEREFORE, BE IT ORDAINED as follows:

SECTION 1: A nonexclusive competitive natural gas services and products franchise is hereby granted to Duke Energy in order to use the City's public rights-of-way, public streets, ways, alleys and other public places.

SECTION 2: The City's Mayor, City Clerk, and City Attorney are hereby authorized and directed to work out the terms of the natural gas Franchise Agreement with Duke Energy; and the Mayor is authorized to execute it, all according to the framework the bidding requirements and to Duke Energy's bid as submitted to the City and to such additional terms and provisions that are fair and reasonable to the City, to Duke Energy, and to the customers of Duke Energy, pursuant to KRS 96.010. The Franchise Agreement shall take effect upon execution and according to the terms of the Agreement.

SECTION 3: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4: Should any section, clause, line, paragraph, or part of this Ordinance be held unconstitutional or invalid for any reason, the same shall not affect the remainder of this Ordinance or the Franchise Agreement, as applicable.

SECTION 5: This Ordinance shall become effective from and after its passage and publication.

SECTION 6: The foregoing Ordinance was read, passed and adopted by the Council of the City of Alexandria, Kentucky, meeting in regular/special session on the 3rd day of June, 2021, and in regular/special session on the 17th day of June, 2021, with 6 yes votes, 0 no votes, and 0 abstentions, and was ordered published in summary according to law.

APPROVED:

By: 
MAYOR ANDY SCHABELL

ATTEST:


CITY CLERK JAN JOHANNEMANN

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