

ORDINANCE NO. F.3-10-2011

**ORDINANCE CONFIRMING SALE AND AWARDED 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
TEN (10) 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. F.2-07-2011 adopted by the City of Franklin, Kentucky Board of Commissioners on July 11, 2011, provided for the creation and sale of a non-exclusive franchise for a term of ten (10) 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. F.2-07-2011 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 1, 2011, September 8, 2011, and September 15, 2011, 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. F.2-07-2011 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 is attached to Ordinance No. F.2-07-2011 and which agreement is attached and incorporated into this Ordinance, and are further hereby authorized and directed to execute duplicates of the bid letter with Millennium Energy, Inc. accepting its bid.

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.

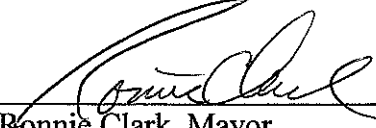
4. All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

OCT 10, 2011 FIRST READING **OCT 24, 2011** SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on October 24, 2011, on motion made by Commissioner Jamie Powell and seconded by Commissioner Mason Barnes, the foregoing ordinance was adopted, after full discussion, by the following vote:

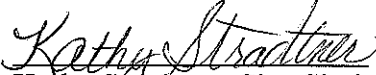
<u>YES</u> LARRY DIXON	<u>YES</u> JAMIE POWELL
<u>YES</u> MASON BARNES	<u>YES</u> HENRY STONE
<u>YES</u> RONNIE CLARK, MAYOR	

APPROVED BY:



Ronnie Clark, Mayor

ATTEST:


Kathy Stradtner, City Clerk
City of Franklin, Kentucky