

ORDINANCE NO. 2019-08-12

**AN ORDINANCE OF THE CITY OF EDGEWOOD IN KENTON COUNTY KENTUCKY ACCEPTING THE BID OF AND GRANTING TO DUKE ENERGY KENTUCKY, INC. A NON-EXCLUSIVE TWENTY YEAR FRANCHISE FOR THE USE OF THE PUBLIC STREETS, ALLEYS AND OTHER PUBLIC GROUNDS OF THE CITY FOR THE TRANSMISSION AND DISTRIBUTION OF BOTH NATURAL GAS AND ELECTRICITY THROUGH AND FOR CONSUMPTION WITHIN THE CITY THROUGH JUNE 30, 2039.**

**WHEREAS**, Duke Energy Kentucky, Inc. ("Duke Energy") is a public utility subject to the provisions of Sections 163 and 164 of the Kentucky Constitution and K.R.S. 96.010 through 96.045 and K.R.S. Chapter 278; and

**WHEREAS**, Section 163 of the Kentucky Constitution prohibits public utilities from using the streets, alleys and other public grounds within a city without a franchise for that use; and

**WHEREAS**, Edgewood Ordinance 2019-05-06 established a non-exclusive twenty (20) year franchise for the use of the City streets, alleys and public grounds for the transmission and distribution of either or both electricity and natural gas through and for consumption within the City in conformity with the terms and provisions thereof; and

**WHEREAS**, pursuant to the requirements of Section 3.1 of Edgewood Ordinance 2019-05-06, Section 164 of the Kentucky Constitution and KRS Chapter 424, the City advertised for bids for a franchise pursuant to Edgewood Ordinance 2019-05-06 and received the attached bid therefor from Duke Energy;

**NOW, THEREFOR, BE IT ORDAINED BY THE CITY OF EDGEWOOD, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:**

**Section 1.0 – Acceptance of Bid**

The attached bid from Duke Energy is hereby determined to be the highest and best bid for a non-exclusive twenty (20) year franchise for the use of the City streets, alleys and public grounds for the transmission and distribution of either or both electricity and natural gas through and for consumption within the City in conformity with the terms and provisions of Edgewood Ordinance 2019-05-06; and that bid is hereby accepted as tendered.

**Section 2.0 – Grant of Electric and Natural Gas Franchise**

Pursuant to Edgewood Ordinance 2019-05-06, and subject to the terms and provisions thereof, Duke Energy is hereby granted a non-exclusive twenty (20) year franchise for the use of the City streets, alleys and public grounds for the transmission

and distribution of either or both electricity and natural gas through and for consumption within the City in conformity with the terms and provisions of that ordinance; and the Mayor is hereby authorized and directed to enter into the attached Franchise Agreement with Duke Energy as evidence thereof

**Section 3.0 – Provisions Severable**

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

**Section 4.0 – Conflicting Ordinances Repealed**

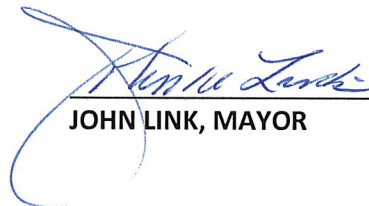
All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**Section 5.0 – Effective Date**

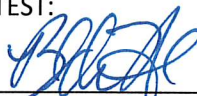
This ordinance shall be effective as soon as possible according to law.

**Section 6.0 - Publication**

This ordinance shall be published in summary pursuant to K.R.S. 83A.060 (9).

  
\_\_\_\_\_  
JOHN LINK, MAYOR

ATTEST:

  
\_\_\_\_\_  
BELINDA NITSCHKE, CITY CLERK  
FIRST READING: 8/5/19  
SECOND READING: 8/19/19  
PUBLISHED: \_\_\_\_\_