

RESOLUTION NO. 2023 Series 004

A RESOLUTION CONFIRMING THE SALE AND AWARDING A NON-EXCLUSIVE FRANCHISE TO LOUISVILLE GAS & ELECTRIC COMPANY FOR A TERM OF TWENTY (20) YEARS FOR A GAS FRANCHISE FOR THE PLACEMENT OF FACILITIES FOR THE DISTRIBUTION AND SALE OF NATURAL GAS UNDER PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF WEST BUECHEL, KENTUCKY, IMPOSING A FRANCHISE FEE OF FIVE PERCENT (5%) OF FRANCHISEE'S GROSS RECEIPTS PER YEAR FROM THE FRANCHISEE'S SALE OF NATURAL GAS TO NATURAL GAS-CONSUMING ENTITIES INSIDE THE CITY OF WEST BUECHEL' CORPORATE LIMITS

WHEREAS, Ordinance No. 309 Series 2023, adopted by the West Buechel City Council, on October 12, 2023, provided for the creation and sale of a non-exclusive franchise, for a term of twenty (20) years, to acquire, lay, maintain, operate, enter upon, construct, install, use and repair, in the public Right-Of-Way of the City a system or works for the transmission and distribution of natural gas from points either within or without the corporate limits of this City, to this City and the inhabitants thereof, and from and through this City to persons, corporations and municipalities beyond the limits thereof, and for the sale of same for light, heat, power and other purposes; and

WHEREAS, said ordinance also established a sealed bid process which includes advertising the invitation for bids, and awarding the franchise to the successful bidder(s); and

WHEREAS, after publication of said advertisement on October 18, 2023, the City received a bid from Louisville Gas & Electric Company.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WEST BUECHEL, KENTUCKY, AS FOLLOWS:

Section 1. That a natural gas franchise created by Ordinance No. 309 Series 2023, be, and it hereby is, awarded to Louisville Gas & Electric Company, for the cost of advertising and sale of an natural gas franchise and imposing a franchise fee of five percent (5%) of Louisville Gas & Electric Company's gross receipts per year from Louisville Gas & Electric Company's sale of natural gas with the City of West Buechel' corporate limits.

Section 2. All prior ordinances, municipal orders, or policies or parts thereof in conflict herewith, are to the extent of such conflict, hereby repealed.

Section 3. That the mayor of West Buechel is hereby authorized to sign the Franchise Agreement which to memorializes the sale by West Buechel to Louisville Gas & Electric Company of said franchise subject to the terms and conditions reflected in Ordinance No. 309 Series 2023 and this Resolution.

Section 4. That the statements set forth in the Preamble to this Resolution are hereby incorporated in this Resolution by reference, the same as if set forth at length herein.

Section 5. That if any section, sentence, clause or phrase of this Resolution is held to be unconstitutional or otherwise invalid, such infirmity shall not affect the validity of the remainder of the Ordinance.

Section 6. That this Resolution shall be effective on the date of its passage.

*Mayor Brenda Moore*  
/s/ Mayor Brenda Moore

Mayor

*Debbie Battiner*  
/s/ Debbie Battiner

City Clerk

ATTEST: