

ORDINANCE NO. 95 - 2013

AN ORDINANCE AMENDING ORDINANCE NO. 34-2013 AND THE FRANCHISE AGREEMENTS WITH COLUMBIA GAS OF KENTUCKY, INC; AND DELTA NATURAL GAS COMPANY, INC., TO INCREASE THE FRANCHISE FEES FOR EACH UTILITY FROM THREE PERCENT (3%) TO FOUR PERCENT (4%) OF GROSS REVENUES EFFECTIVE OCTOBER 1, 2013.

WHEREAS, the current franchise fees for the respective natural gas franchises with Columbia Gas of Kentucky, Inc. (Resolution No. 151-2013); and Delta Natural Gas Company, Inc. (Resolution No. 150-2013), have been established at three percent (3%) of each franchisees' gross revenues as defined in their respective franchise agreements and ordinances; and

WHEREAS, pursuant to the terms and provisions of Lexington-Fayette Urban County Government Ordinance No. 34-2013 and the respective franchise agreements the Lexington-Fayette Urban County Government, through the Urban County Council, has the right to impose upon each franchisee a franchise fee in an amount not to exceed five percent (5%) of its gross revenues.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the above recitals are incorporated herein as if fully stated.

Section 2 - That pursuant to the provisions of Ordinance No. 34-2013 and the respective franchise agreements with Columbia Gas of Kentucky, Inc; and Delta Natural Gas Company, Inc.; the ordinances and franchise agreements be and hereby are amended, and the franchise fee for each utility is increased from three percent (3%) to four percent (4%) of its gross revenues as defined in that utility's ordinance and franchise agreement effective October 1, 2013

Section 3 – That the remainder of the Ordinance No. 34-2013 and the respective franchise agreements shall be unchanged and the franchise fees established by this Ordinance shall remain in effect until such time as this Ordinance is further amended by the Urban County Council.

Section 4 – That the Mayor is hereby authorized to execute any necessary amendments to the franchise agreements or any other related documents in order to implement the increase to the franchise fees.

Section 5 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: August 29, 2013

/s/ Jim Gray
MAYOR

ATTEST:

/s/ Meredith Nelson
CLERK OF URBAN COUNTY COUNCIL
PUBLISHED: September 5, 2013-1t

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