

ORDINANCE NO. 847

AN ORDINANCE EXTENDING THE TERMS OF A FRANCHISE FOR THE SUPPLY AND DISTRIBUTION OF NATURAL GAS GRANTED TO BLACK HILLS GAS DISTRIBUTION, LLC D/B/A BLACK HILLS ENERGY, F/K/A SOURCEGAS DISTRIBUTION LLC

WHEREAS, Black Hills Gas Distribution, LLC d/b/a Black Hills Energy, f/k/a SourceGas Distribution LLC (“Black Hills”) and the City of Dacono continue to operate under a franchise (“Franchise”) granted by City of Dacono Ordinance No. 703, adopted March 11, 2008, for the supply and distribution of natural gas; and

WHEREAS, the Franchise expired by its own terms on February 11, 2018; and

WHEREAS, Black Hills and the City are in the process of negotiating a renewal of the Franchise; and

WHEREAS, Black Hills and the City need additional time to complete negotiations and for the City to consider and adopt a proposed franchise renewal; and

WHEREAS, Black Hills has agreed to the extension of the Franchise as set forth in this Ordinance; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City to extend the term of the Franchise to allow for completion of ongoing negotiations regarding a franchise renewal.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. That the Franchise between Black Hills and the City is hereby extended to earlier of June 29, 2018, or the date on which a new agreement is entered into between the parties.

Section 2. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 3. All actions heretofore taken by Black Hills and City officers and staff relating to the subject matter of the Franchise consistent with its terms are hereby are, ratified, approved and confirmed.

Section 4. If any section, paragraph, sentence, clause or provision of this Ordinance shall for any reason be held to be unconstitutional, invalid or unenforceable for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this

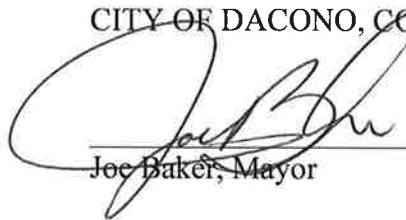
Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part be declared unconstitutional or invalid.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED IN FULL this 9th day of April, 2018.

PUBLIC HEARING AND SECOND READING WILL BE THE 23rd DAY OF April, 2018, AT 7:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 23rd day of April, 2018.

CITY OF DACONO, COLORADO



Joe Baker, Mayor

ATTEST:



Valerie Taylor, City Clerk

Summary of Ordinance No. 847, "AN ORDINANCE EXTENDING THE TERMS OF A FRANCHISE FOR THE SUPPLY AND DISTRIBUTION OF NATURAL GAS GRANTED TO BLACK HILLS GAS DISTRIBUTION, LLC D/B/A BLACK HILLS ENERGY, F/K/A SOURCEGAS DISTRIBUTION LLC": Extends the term of a franchise between Black Hills and the City to the earlier of June 29, 2018, or the date on which a new agreement is entered into between the parties, while the parties negotiate a franchise renewal.