

An Ordinance of the City of Plano, Texas, amending Section I of Ordinance No. 2014-6-11 to extend the non-exclusive franchise granted to CoServ Gas, Ltd., a Texas limited partnership d/b/a CoServ Gas, to furnish and supply gas to the general public in the City of Plano, Collin and Denton Counties, Texas, for the transporting, delivery, sale, and distribution of gas in and out of, and through said municipality for all purposes; and providing a repealer clause, a severability clause, a publication clause, and an effective date.

WHEREAS, on June 23, 2014, by Ordinance No. 2014-6-11, the City Council of the City of Plano (“City”) granted to CoServ Gas, Ltd., d/b/a CoServ Gas (“CoServ Gas”), a non-exclusive franchise to furnish and supply gas to the general public in the City of Plano, Collin and Denton Counties, Texas, and for the transporting, delivery, sale, and distribution of gas in and out of, and through said municipality for all purposes (“Franchise”); and

WHEREAS, the existing Franchise is set to expire on December 31, 2023; and

WHEREAS, CoServ Gas has requested an extension of the existing Franchise for a period of five (5) years; and

WHEREAS, the City Council accepts that the current Franchise should be extended until December 31, 2028, under the same terms and conditions as the existing Franchise granted by Ordinance No. 2014-6-11.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The Franchise granted to CoServ Gas by Ordinance No. 2014-6-11 (the “Original Ordinance”) is hereby extended until December 31, 2028, under the same terms and conditions as the Original Ordinance.

Section II. All provisions of the Code of Ordinances of the City of Plano in conflict with the provisions of this Ordinance or the Original Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section III. It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

Section IV. This Ordinance shall be read at two separate regular meetings of the City Council of the City of Plano, with the second meeting to be at least 30 days from the first reading, and shall be published once each week for four consecutive weeks in the official newspaper of the City of Plano.

Section V. This Ordinance shall become effective 30 days after its final passage and publication as required by City Charter (the "Effective Date"), subject to CoServ Gas filing with the City Secretary its written acceptance of this Ordinance prior to the Effective Date, such written acceptance to be in the form attached hereto as Exhibit A and incorporated herein by this reference; otherwise, this Ordinance shall be null and void.

PASSED AND APPROVED ON THE FIRST READING on the 9th day of October, 2023.



John B. Muns, MAYOR

ATTEST:



Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:



Paige Mims, CITY ATTORNEY

FINALLY PASSED AND APPROVED ON THE SECOND READING (which date is at least 30 days from the first reading) on the 27th day of November, 2023.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

EXHIBIT A

CoServ Acceptance of Franchise Extension Ordinance

Date: _____

City of Plano, Texas
1520 K Avenue
Plano, Texas 75074

RE: CoServ Gas Franchise, Ordinance No. _____

This letter certifies that CoServ Gas, Ltd., d/b/a CoServ Gas, accepts and agrees to be contractually bound by the terms and conditions of Ordinance No. _____, a copy of which is attached hereto as Exhibit A.

COSERV GAS, LTD.,
d/b/a COSERV GAS

By: CoServ Natural, L.L.C.,
its general partner

By: _____

Name: _____

Title: _____