

An Ordinance of the City of Plano, Texas, amending Section 3 of Ordinance No. 2003-6-3, Section I of Ordinance No. 2008-4-42, and Section I of Ordinance No. 2015-10-17 to extend the non-exclusive franchise granted to Denton County Electric Cooperative, Inc., d/b/a CoServ Electric, a Texas electric cooperative corporation, to use the present and future streets, avenues, alleys, roads, highways, sidewalks, easements and other public rights-of-way in the City of Plano, Collin County, Texas, for the purposes of constructing and operating an electric distribution system in the City of Plano which expired on June 9, 2018; and providing a repealer clause, a severability clause, and an effective date.

WHEREAS, on June 2, 2003, by Ordinance No. 2003-6-3, the City Council of the City of Plano, Texas (“City”), granted to Denton County Electric Cooperative, Inc., d/b/a CoServ Electric (“CoServ Electric”), a non-exclusive franchise to use the present and future streets, avenues, alleys, roads, highways, sidewalks, easements and other public rights-of-way in the City of Plano, Collin County, Texas, for the purposes of constructing and operating an electric distribution system (“Franchise”); and

WHEREAS, the term of the Franchise was previously extended for an additional period of five (5) years by Ordinance No. 2008-4-42; and

WHEREAS, the Franchise expired under its own terms on June 9, 2013; and

WHEREAS, the term of the Franchise was previously extended for an additional period of five (5) years by Ordinance No. 2015-10-17 and the use of the Franchise between June 9, 2013 and October 26, 2015 was fully ratified as if at all times occurring under and bound by the terms of the Franchise; and

WHEREAS, the Franchise expired on June 9, 2018; and

WHEREAS, CoServ Electric and the City desire that the Franchise be extended for a period of five (5) years; and

WHEREAS, the City Council accepts that the Franchise should be extended until June 9, 2023, and that the Franchise have the same terms and conditions as the Franchise granted by Ordinance No. 2003-6-3.

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

Section I. The Franchise is hereby extended until June 9, 2023, under the same terms and conditions as the Franchise granted by Ordinance No. 2003-6-3 (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 or the Original 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 and conditioned upon written acceptance by CoServ Electric of this Ordinance attached hereto prior to the effective date; otherwise, this Ordinance shall be null and void.

DULY PASSED AND APPROVED ON FIRST READING on this the 14th day of October, 2019.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

DULY PASSED AND APPROVED ON SECOND READING (which date is at least 30 days from the first reading) on this the 25th day of November, 2019.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

ACCEPTED BY DENTON COUNTY
ELECTRIC COOPERATIVE, INC., D/B/A
COSERV ELECTRIC

BY: _____
(Signature)

(Print Name)

(Title)

(Date)