

ORDINANCE NO. 2010-11-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING CHAPTER 110, ARTICLE V, DIVISION 2, SECTIONS 110-341 AND 110-344 OF THE CODE OF ORDINANCES BY AMENDING PAYMENT TERMS RELATED TO THE SALE OF GAS WITHIN THE CITY; DELETING APPENDIX A, "SCHEDULE OF FEES", SECTION 110-342; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of McKinney ("City") previously adopted franchise ordinances duly passed by the governing body of the City and duly accepted by Atmos Energy Corporation and CoServ ("Companies") governing the distribution, supply, transportation, delivery and sale of gas in, out of, and through the City.

WHEREAS, the City desires to modify a portion of the Code of Ordinances ("Code") to provide continuity between the franchise agreements and the Code.

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

Section 1. All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. Chapter 110, Article V, Division 2, Section 110-341 "Purpose." of the Code of Ordinances of the City of McKinney is hereby amended as follows:

"SECTION 110-341. PURPOSE.

The rental provided in this division is imposed for the right and privilege of using the present and future streets, alleys, highways, public places and public rights-of-way for the purpose of laying, maintaining, constructing, operating, and replacing therein and thereon pipe lines and all other equipment needed and necessary to deliver gas in, out of and through the City."

Section 3. Chapter 110, Article V, Division 2, Section 110-344 "Payment.", of the Code of Ordinances of the City of McKinney is hereby amended as follows:

"SECTION 110-344. PAYMENT.

The rental charge provided in this division shall be payable as determined by individual agreements approved by city council."

Section 4. Appendix A, "Schedule of Fees", Section 110-342 of the Code of Ordinances of the City of McKinney is hereinafter deleted.

Section 5. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 6. That this Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict

with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

Section 7. This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 2nd DAY OF NOVEMBER, 2010.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER, Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney