

PUBLIC NOTICE

ORDINANCE NO. 842

AN ORDINANCE OF THE CITY OF WORLAND, WASHAKIE COUNTY, WYOMING, GRANTING TO WYOMING GAS COMPANY, A MAINE CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO ERECT AND MAINTAIN A SYSTEM OF GAS WORKS IN THE CITY OF WORLAND, WASHAKIE COUNTY, WYOMING, AND INCLUDING THE RIGHT TO LAY ALL GAS LINES NECESSARY THERETO FOR THE PURPOSE OF SUPPLYING THE INHABITANTS OF SAID CITY WITH NATURAL OR MANUFACTURED GAS EXCEPT AS HEREIN RESTRICTED, AND THE RIGHT TO MAKE CHARGES FOR AND REGULATIONS RESPECTING THE USE OF THE SAME, AND PROVIDING AN ANNUAL PAYMENT THEREFORE. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WORLAND, WASHAKIE COUNTY, WYOMING.

APPENDIX C “GAS FRANCHISE” (ORDINANCE NO. 743) of the Worland City Code shall be and is hereby repealed and the same is hereby replaced with the following **APPENDIX C “GAS FRANCHISE”**:

APPENDIX C

GAS FRANCHISE

SECTION 1: Wyoming Gas Company (“Company”) is a foreign corporation authorized to do business in the State of Wyoming and has certificates of public convenience and necessity duly issued by the Public Service Commission of Wyoming to operate as a public utility and furnish natural gas to consumers in the City of Worland, Washakie County, Wyoming (“City”).

SECTION 2: The Company desires to secure authorization supplemental to all rights which it already possesses to continue the operations of the Company within the City of Worland, in concurrence with the jurisdiction the City may have,

SECTION 3: The City hereby grants to the Company, its assigns and successors, the right, privilege and franchise to own, construct, install, maintain, operate, repair, alter, improve and remove within the limits of the City, as such limits now exist or may hereafter be extended, such gas works, structures and appurtenances necessary thereto, and the right-of-way along, through and under the streets, avenues and alleys of said City, for the purpose of laying, constructing, maintaining, operating and taking up for the purpose of altering, changing and repairing the same, from time to time, one or more lines of gas mains, branch pipes and necessary feeders, for the successful operation of said works, lines and pipes in manufacturing, conducting, supplying and delivering natural or artificial gas to consumers thereof for domestic and power purposes. Provided that:

(A) The Company in the exercise of the privileges hereby granted, shall place its distribution system in the alleys where it is practicable to do so and will not needlessly interfere with the use of public property above or

PUBLIC NOTICE

below the surface; will restore all such property substantially to its former condition when excavated for installation or repair of any of its facilities and will protect all excavations or other openings during the time they remain open.

(B) The Company shall indemnify and hold the City harmless for and on account of all damages arising from negligence or mismanagement in or connected with all operations of the Company.

(C) The Company will not obstruct any streets, alleys or avenues opened in the work of laying, maintaining, repairing or removing said mains, pipes and conduits in an unreasonable or unnecessary manner.

(D) The Company will restore all such streets, alleys and avenues as nearly as practical to their former condition as soon as practical after said pipes, mains or conduits have been laid or relaid as the case may be at the Company's exclusive expense and without charge to the City. If, in the sole discretion of the Mayor and City Council, the streets, alleys and avenues, or other public property, have not been repaired and restored within a reasonable time, the City shall repair and restore or cause the same to be repaired and restored, and the Company will pay the City for all costs and expenses incurred therein.

(E) The Company shall furnish, immediately upon this Ordinance taking effect, the City with a current map showing the location of all Company mains, pipes and conduits located within the City limits. The map shall be kept current by Company at its own cost and expense. **The Company shall furnish annually, an updated and current digital map for City of Worland internal use, on or before January 1 of each year.**

SECTION 4: The terms and conditions under which gas service shall be supplied by the Company in said City, the nature, specifications, operation and extent of facilities and equipment connected therewith, the rates and prices chargeable for gas to be distributed and sold by the Company for public and private use in said City during the term hereof, and all related rules and regulations governing such distribution and sale, shall be in accordance with the laws of the State of Wyoming, subject to supervision by the Public Service Commission of the State of Wyoming and in accordance with the Constitution of the State of Wyoming and of the United States of America.

SECTION 5: The term of this franchise shall be for a period of **ten (10) years** from and after the effective date hereof.

SECTION 6: The Company, as consideration for all franchise rights and privileges hereby granted, agrees to pay the City an annual payment each year equal to **five (5%) per cent** of Company's gross sales within the City limits for the previous calendar year, to wit: Beginning with the year from **August 1, 2017 to August 1, 2018**, and continuing through all like years thereafter during the term of this franchise, the Company will pay an annual payment of **five (5%) per cent** of Company's gross sales within the City limits based on Company's gross sales for the previous calendar year. Said annual payment shall be due and payable in **twelve (12) equal monthly installments** on or before the **fifteenth day of**

PUBLIC NOTICE

each month beginning with the month of **August, 2017**, and shall be in lieu of any other money charge or imposition now or hereafter directly imposable by the City against the Company on any phase of its affairs or property operated hereunder, not including physical property taxes levied by other public authority for the benefit of the City, or any damages caused by negligence of the Company. **The Company shall provide the City with appropriate documentation reflecting the Company revenues with each franchise fee monthly check.**

SECTION 7: Performance of the Company's obligations hereunder shall be subject to and suspended during the prevention thereof or interference therewith by action of or under governmental authority claiming jurisdiction, or by acts of God, adverse weather, supply, labor or other conditions not wholly controlled by the Company, but prevention of such obligations shall not relieve the Company from any monthly payment aforesaid to the City.

SECTION 8: All rights and privileges granted hereunder are hereby vested in the Company its successors and assigns for the period hereof.

SECTION 9: The Company, within thirty (30) days after enactment of this ordinance, shall file with the City Clerk an acceptance in writing of all provisions hereof.

SECTION 10: All ordinances and parts of ordinances in conflict herewith are hereby repealed. If any portion of this ordinance is held or found to be invalid, the remainder of the ordinance shall continue to be in full force and effect.

SECTION 11: This ordinance shall take effect and be in full force and effect, **retroactively**, on **JULY 31, 2017**, after having been published in the Northern Wyoming Daily News.

PASSED ON FIRST READING **JUNE 20, 2017.**

PASSED ON SECOND READING **JULY 5, 2017.**

PASSED, APPROVED AND ADOPTED ON THIRD AND FINAL READING **JULY 18, 2017.**

CITY OF WORLAND, WYOMING

A Municipal Corporation

By:_____

JAMES R. GILL - Mayor

ATTEST:

TRACY A. GLANZ - City Clerk

July 29, 2017