

**ORDINANCE NO. 760**

**AN ORDINANCE GRANTING AN EXCLUSIVE FRANCHISE TO UNITED POWER, INC, TO FURNISH, SELL AND DISTRIBUTE ELECTRICITY WITHIN THE CITY**

**WHEREAS**, by Ordinance No. 404 adopted on second reading on July 8, 1991, the City Council approved a franchise agreement with United Power, Inc., granting United Power the exclusive right to furnish, sell and distribute electricity within the City for period expiring on or about August 16, 2011; and

**WHEREAS**, in accordance with C.R.S. § 31-32-102, United Power has requested the City approve a new franchise agreement and has caused notice of such request to be published as required by law; and

**WHEREAS**, the City Council finds that the City's grant of a new electric franchise to United Power in accordance with the terms and conditions of the Franchise Agreement that accompanies this ordinance is in the best interests of the City and its residents and will meet the current and future electricity related needs of the community; and

**WHEREAS**, in accordance with Article 24 of the proposed Franchise Agreement, United Power has filed with the City Clerk its written approval of the Franchise Agreement and all of its terms and conditions at least ten (10) days prior to the public hearings set for consideration of this ordinance.

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

**Section 1.** The City Council hereby approves the proposed Franchise Agreement by and between United Power, Inc., and the City of Dacono in the form of such Franchise Agreement accompanying this ordinance, and hereby authorizes the grant of franchise therein contained subject to and upon the terms and conditions of said Franchise Agreement.

**Section 2.** The Mayor is authorized to execute the Franchise Agreement on behalf of the City, such execution to be on or after the effective date of this ordinance and subject to the requirement in Article 24 of the Franchise Agreement that United Power shall file its written acceptance and ratification of the same.

**Section 3.** Chapter 5, Article 2 of the Dacono Municipal Code is hereby repealed and re-enacted to read as follows:

**CHAPTER 5  
Franchises and Communications Systems**

**Article 2 Electric Franchise**

**Sec. 5-40 Grant of franchise.**

Pursuant to Ordinance No. 760 adopted by the Dacono City Council on second and final reading on July 25, 2011, the City granted to United Power, Inc., an exclusive franchise to furnish, sell and distribute electricity within the City, subject to the terms and conditions set forth in the Franchise Agreement, copies of which are on file in the offices of the City Clerk.

**Sec. 5-41 Term of franchise.**

The term of the franchise granted by the City shall be for a period of ten (10) years from the effective date of Ordinance No. 760 approving the Franchise Agreement.

**Section 4.** All prior ordinances or parts of such prior ordinances, codes or parts of codes in conflict with the provisions of this Ordinance are hereby repealed.

**Section 5.** If any paragraph, section, sub-section, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid, unconstitutional and/or unenforceable, such provisions shall be deemed to be separate, distinct and independent and the remaining provisions of this Ordinance shall continue in full force and effect.

**INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE AND POSTED IN FULL this 11th day of JULY, 2011.**

**PUBLIC HEARING AND SECOND READING WILL BE THE 25th DAY OF JULY, 2011, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.**

**READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 25th day of July, 2011.**

CITY OF DACONO, COLORADO

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Charles Sigman, Mayor

ATTEST:

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Valerie Taylor, City Clerk

Summary of Ordinance No. 760, "AN ORDINANCE GRANTING AN EXCLUSIVE FRANCHISE TO UNITED POWER, INC, TO FURNISH, SELL AND DISTRIBUTE ELECTRICITY WITHIN THE CITY": Grants to United Power a ten year exclusive franchise to furnish, sell and distribute electricity within the City.