

ORDINANCE NO. 1349-15

AN ORDINANCE OF THE CITY OF LAKE ALFRED, FLORIDA, AMENDING ORDINANCE NO. 637 ENACTED ON MAY 13, 1986 AND ORDINANCE NO. 1174-06 ENACTED ON DECEMBER 4, 2006, RELATING TO THE GRANTING TO TAMPA ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE IN THE CITY OF LAKE ALFRED, FLORIDA, SPECIFICALLY EXTENDING THE TERM AND EXPANDING THE CLASS OF CUSTOMERS FROM WHOM THE SALE OF ELECTRICITY WOULD REQUIRE THE PAYMENT OF A FRANCHISE FEE AND OTHER MISCELLANEOUS MODIFICATIONS AND IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR SEVERABILITY, CONFLICTS , THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Lake Alfred entered into a Franchise Agreement with Tampa Electric Company ("TECO"), under terms and conditions as established in Ordinance No. 637 enacted on March 13, 1986; and

WHEREAS. The City of Lake Alfred amended said Franchise Agreement with TECO as established in Ordinance 1174-06 enacted on December 4, 2006; and

WHEREAS, the City Manager has indicated that TECO is agreeable to certain additional amendments to the Franchise Agreement regarding the sale of electricity within the City limits of the City of Lake Alfred; and

WHEREAS, it is in the best interests of the citizens and residents of the City of Lake Alfred for the TECO Franchise Agreement to be amended as set forth herein.

NOW THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF LAKE ALFRED, FLORIDA, AS FOLLOWS:

That the provisions of Ordinance No. 637 enacted on May 13, 1986, and Ordinance 1174-06 enacted on December 4, 2006, are hereby amended to read as follows (language stricken is shown in ~~strike through~~ format; language added is shown as underlined format):

SECTION 1: Section 1 is hereby amended to read as follows: That there is hereby granted to Tampa Electric Company (herein called the "Grantee "), its successors and assigns, the

non-exclusive right, privilege, and franchise to construct, maintain and operate in, under, upon, over, and across the present and future streets, alleys, bridges, easements and other public places of the City of Lake Alfred, Florida (herein called the "Grantor), and Its successors, in accordance with established practice "with respect to electrical construction and maintenance, for the period of thirty (30) years from the date of acceptance hereof, electric light and power facilities (including conduits, poles, wires, and transmission lines, and, for its own use, telephone and telegraph lines) for the purpose of supplying electricity to Grantor, and its successors, the inhabitants thereof, for public and private use, and for persons and corporations beyond the limits thereof. The thirty (30) year period that had been extended for an additional ten years pursuant to Ordinance No. 1174-06, to terminate on May 13, 2026, is hereby extended for an additional five (5) years to terminate May 13, 2031 ~~ten (10) years to terminate May 13, 2026~~ subject to the terms and conditions of Ordinances 637 and 1174-06, and the additional ~~the~~ provisions of this ordinance.

SECTION 2: Section 5 is hereby amended to read as follows: In consideration for the granting of this franchise and as compensation for the specific property rights relinquished to the Grantee by the Grantor, the Grantee, its successors and assigns, shall pay to Grantor and its successors, an amount ~~which added to the amount of all taxes (without regard to discount for early payment or interest penalty for late payment), licenses and other impositions levied or imposed by Grantor upon Grantee's property, business or operations (except charges for city service and utilities, permit fees and assessments for special improvements directly benefiting Grantee's property), and those Grantee 's subsidiaries in the manufacture and distribution of electric energy, for preceding tax year, will equal to six (6%) percent of Grantee's annual gross revenue (excluding bad debt and customer credits) from the sale of electric energy to residential, commercial and industrial customers within the corporate limits of the City of Lake Alfred as now or hereafter constituted. It is the intent of the Grantor and the Grantee that revenues derived from all classifications and categories of customers of the Grantee within the corporate limits of the City of Lake Alfred shall become the base for calculating the franchise fee payment subject to the payment of the franchise fees due hereunder.~~ Payments shall be computed monthly and shall be made within thirty (30) days after each monthly period from the effective date of this franchise.

SECTION 3: If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 4: That all ordinances and parts of ordinances in conflict herewith are hereby repealed. Provided however that all other terms of Ordinances No. 637 enacted on May 13, 1986, and 1174-06 enacted on December 4, 2006, not amended and/or addressed herein shall remain unchanged and in full force and effect.

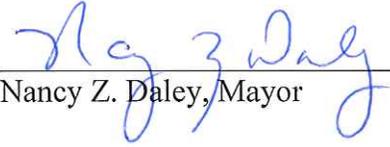
SECTION 5: It is the intention of the City Commission that regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or his/her designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 6: This ordinance shall become effective immediately upon final adoption.

INTRODUCED AND PASSED on first reading at the regular meeting of the Lake Alfred City Commission held on the 20th day of January, 2015.

READ, PASSED AND FINALLY ADOPTED on second reading at the meeting of the Lake Alfred City Commission duly assembled on the 2nd day of February, 2015.

**CITY OF LAKE ALFRED, FLORIDA
CITY COMMISSION**



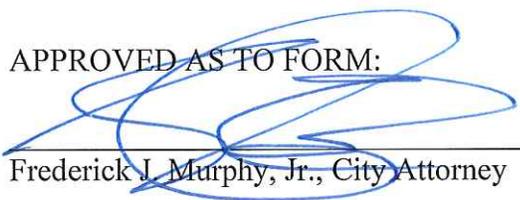
Nancy Z. Daley, Mayor

ATTEST:



Valerie F. Ferrell, Interim City Clerk

APPROVED AS TO FORM:



Frederick J. Murphy, Jr., City Attorney