

ORDINANCE NO. 2021-032

**AN ORDINANCE APPROVING A FRANCHISE AGREEMENT
BETWEEN THE TOWN OF CASTLE ROCK, COLORADO,
AND BLACK HILLS COLORADO GAS, INC.**

WHEREAS, the Town of Castle Rock, Colorado (the “Town”), is authorized to grant or renew franchises to construct, reconstruct, operate, and maintain natural gas systems, using public rights of way and properties within Town boundaries; and

WHEREAS, Black Hills Colorado Gas, Inc., (“BHCG”) has constructed and desires to continue to operate and maintain natural gas services within the Town, and wishes to renew its Franchise Agreement with the Town; and

WHEREAS, the Town has a legitimate and necessary role in ensuring the availability of natural gas services within in its jurisdiction, in accordance with applicable law and the provisions thereof; and

WHEREAS, the Town Council desires to grant to BHCG, and BHCG desires to accept, the terms and conditions set forth herein for the use of Town-owned rights of way and easements, and rights of way and easements dedicated and accepted for public use, in installing and operating a natural gas system in the Town; and

WHEREAS, the public has had adequate notice and opportunity to comment on BHCG’s proposal to continue to provide natural gas service in the Town; and

WHEREAS, the Town Council has determined it is in the best interest of the Town and the community to grant a Franchise to the BHCG for the term provided in the Franchise Agreement.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO, AS FOLLOWS:

Section 1. Approval. The Town Council hereby approves the Franchise Agreement between the Town of Castle Rock, Colorado, and Black Hills Colorado Gas, Inc., in the form attached as *Exhibit 1*. The Mayor and other proper Town officials are hereby authorized to execute the Franchise Agreement by and on behalf of the Town.

Section 2. Implementation. Town officials are hereby authorized to take such action as appropriate to implement the Franchise Agreement.

Section 3. Preemption and Severability. If any part of this Ordinance shall, for any reason, be found by a court of law invalid or in conflict with state or federal law, such final judgment shall not affect the remaining provisions of this Ordinance.

Section 4. Safety Clause. The Town Council finds and declares that this Ordinance is promulgated and adopted for public health, safety and welfare and bears a rational relation to the legislative objective sought to be obtained.

APPROVED ON FIRST READING this 7th day of December 2021, by a vote of 7 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 21st day of December 2021, by the Town Council of the Town of Castle Rock, Colorado, by a vote of __ for and __ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

Kristin Read, Assistant Town Manager