

ORDINANCE NO. 12-2020

AN ORDINANCE OF THE CITY OF SEMINOLE, FLORIDA, GRANTING TO DUKE ENERGY FLORIDA, LLC d/b/a DUKE ENERGY, AN ELECTRIC UTILITY RIGHTS OF WAY UTILIZATION FRANCHISE; PRESCRIBING THE TERMS AND CONDITIONS RELATED TO THE OCCUPANCY OF THE CITY'S STREETS AND RIGHTS OF WAY FOR THE PURPOSE OF PROVIDING ELECTRIC SERVICE; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Duke Energy is an electric utility within the meaning set out in Florida Statutes § 366.02(2) and a public utility as defined in Florida Statutes § 366.02(1) Section 366.02(1); and

WHEREAS, Florida Statutes § 337.401 grants the City the authority to authorize the placement and maintenance, by a public electric utility, of electric transmission facilities in the City's rights-of-way; and

WHEREAS, Duke Energy and the City have negotiated a franchise agreement authorizing Duke Energy to place, operate and maintain its electric transmission facilities in the City's rights-of-way pursuant to terms and conditions acceptable to both Parties; and

WHEREAS, the City Council has determined that the granting of this franchise agreement is in the best interests of the health, safety and welfare of the City's residents and businesses.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Seminole, Florida, that:

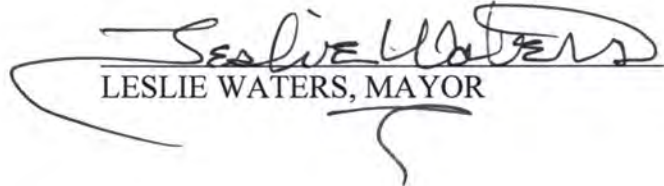
Section 1. The franchise agreement between the City of Seminole and Duke Energy, which agreement is attached hereto and made a part hereof, is hereby adopted and approved.

Section 2. The City Manager is authorized to execute any and all additional documents as the Parties may determine are necessary to accomplish the purposes of this Ordinance.

Section 3. The City Clerk shall not transmit this Ordinance to the codifier of the City's ordinances for codification.

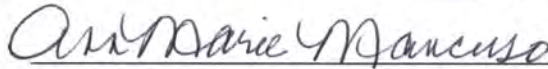
Section 4. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

APPROVED ON FIRST READING: October 27, 2020
PUBLISHED: November 4, 2020
PASSED AND ADOPTED ON
SECOND AND FINAL READING: November 17, 2020


LESLIE WATERS, MAYOR

I, Ann Marie Mancuso, City Clerk of the City of Seminole, Florida, County of Pinellas, State of Florida, a municipal corporation do hereby certify the foregoing and hereto attached is a true and correct copy of Ordinance No. 12-2020 which is on file in the City Clerk's Office:

IN WITNESS WHEREOF, I hereunto set my hand and affixed the seal of the City of Seminole, Pinellas County, Florida, this 19 day of November, 2020.


Ann Marie Mancuso, City Clerk