

ORDINANCE NO. 964

AN ORDINANCE OF THE CITY OF WESTWOOD, KANSAS AMENDING SECTION 6 OF CITY ORDINANCE NO. 839 AND 909, RAISING THE FRANCHISE FEE TO BE PAID BY KANSAS CITY POWER & LIGHT COMPANY TO THE CITY FOR THE RIGHT AND FRANCHISE TO CONSTRUCT AND MAINTAIN FACILITIES WITHIN THE CITY FOR SUPPLYING CUSTOMERS WITH ELECTRIC OR OTHER ENERGY AND THE RIGHT TO USE THE CITY RIGHT OF WAY FOR THE SAME.

WHEREAS, through the adoption of City Ordinance No. 839, the City of Westwood, Kansas granted Kansas City Power & Light Company the right and franchise to construct and maintain facilities within the City for supplying consumers with electric or other energy, and the right to use the City Right-of-Way for the same;

WHEREAS, Section 6 is the provision of City Ordinance No. 839 that prescribes and sets forth the terms of the franchise relating to the calculation and payment of a franchise fee by Kansas City Power & Light Company to the City, which through Ordinance No. 909 the parties have previously amended; and

WHEREAS, Section 6(a) of City Ordinance No. 839, as amended by Ordinance No. 909, setting forth the franchise fee to be paid by Kansas City Power & Light Company to the City, which through this amendment the parties have now agreed to amend and revise.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS:

SECTION 1. That Section 6(a) of City Ordinance No. 839 is hereby amended to read as follows:

Section 6. Compensation to City.

(a) In consideration of the premises, the Company agrees to pay to the City, and the City agrees to accept as adequate compensation and consideration for the franchise hereby granted and in lieu of occupation, license, privilege and all other taxes and fees not otherwise excepted hereinabove, a franchise fee of five percent (5.00%) of the total gross receipts charged and collected from the sale or distribution of electric energy to all consumers located in the present or future corporate boundaries of the City during the term of this franchise.

SECTION 2. That Section 6(a) of City Ordinance No. 839, as previously amended by City Ordinance No. 909, is hereby repealed only to the extent inconsistent with the above.

SECTION 3. That this Ordinance (amending City Ordinance No. 839, as amended by City Ordinance No. 909) shall take effect and be in force from and after its passage and approval by the City, acceptance by Kansas City Power & Light Company, and publication in the official city newspaper.


PASSED by the Governing Body this 8<sup>th</sup> day of October, 2015.

APPROVED by the Mayor this 8<sup>th</sup> day of October, 2015.



  
John M. Yé, Mayor

ATTEST:

  
Frederick L. Sherman, City Clerk

APPROVED AS TO FORM:

  
Ryan Denk, City Attorney