

ORDINANCE NO. 2004-04-20

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO ENTERING INTO A NON-EXCLUSIVE GAS FRANCHISE AGREEMENT WITH NUI UTILITIES, INC. D/B/A NUI CITY GAS COMPANY OF FLORIDA ALLOWING FOR THE USE OF PUBLIC RIGHTS OF WAY OF THE CITY OF MIAMI GARDENS, FLORIDA, AND PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH THE FRANCHISE MAY BE EXERCISED; MAKING FINDINGS; AND PROVIDING FOR SEVERABILITY, ORDINANCES IN CONFLICT, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council of the City of MIAMI GARDENS pursuant to applicable law and subject to the rights, limitations and conditions in the attached non-exclusive franchise agreement are authorized to grant public utility franchises; and

WHEREAS, the Mayor and City Council desire to enter into a non-exclusive franchise agreement with NUI Utilities, Inc., D/B/A NUI CITY GAS COMPANY OF FLORIDA as it is in the public interest of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA:

Section 1. Attached is the non-exclusive franchise agreement between the City and NUI Utilities, Inc. to be incorporated by reference into this ordinance. Such franchise agreement is hereby approved in the form attached and the appropriate City officials are authorized to execute such agreement on behalf of the City.

Section 2. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this ordinance.

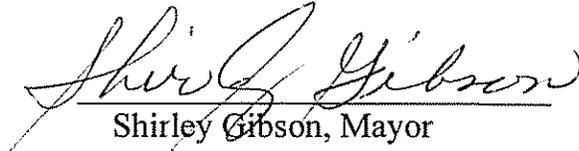
Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed.

Section 4. This ordinance shall be codified and included in the Code of Ordinances.

Section 5. This ordinance shall take effect ten (10) days after adoption.

PASSED on first reading this 28th , day of January, 2004.

PASSED and ADOPTED on second reading this 11th day of February, 2004.

  
Shirley Gibson, Mayor

Attest:

  
Ronetta Taylor, CMC  
City Clerk

APPROVED AS TO FORM:  
AND LEGAL SUFFICIENCY:

  
Hans Ottinot  
Interim City Attorney

MOVED BY Councilwoman Watson

SECONDED BY Councilwoman King

VOTE: 7-0

Mayor Gibson	<u>x</u> (Yes)	___ (No)
Vice Mayor Campbell	<u>x</u> (Yes)	___ (No)
Councilman Melvin L. Bratton	<u>x</u> (Yes)	___ (No)
Councilman Oscar Braynon, II	<u>x</u> (Yes)	___ (No)
Councilwoman Audrey J. King	<u>x</u> (Yes)	___ (No)
Councilwoman Sharon Pritchett	<u>x</u> (Yes)	___ (No)
Councilwoman Barbara Watson	<u>x</u> (Yes)	___ (No)

Gas Franchise Agreement w/ NUI

[1-M/514859-1]Franchise Fee Ordinance

Additions shown by underlining and deletions shown by ~~overstriking~~.

[514859-1]514859.2

514860.1