

## ORDINANCE NO. 4924

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, GRANTING TO SOUTHWEST GAS CORPORATION ITS SUCCESSORS AND PERMITTED ASSIGNS, THE RIGHT AND PRIVILEGE TO CONSTRUCT, MAINTAIN, AND OPERATE ITS GAS SYSTEM AND GAS SYSTEM FACILITIES UPON, OVER, ACROSS, AND UNDER THE PRESENT AND FUTURE PUBLIC RIGHTS-OF-WAY OF THE CITY OF CHANDLER FOR THE PURPOSE OF SUPPLYING NATURAL GAS AND/OR ARTIFICIAL GAS, INCLUDING GAS MANUFACTURED BY ANY METHOD WHATSOEVER, AND/OR GAS CONTAINING A MIXTURE OF NATURAL GAS AND SUCH ARTIFICIAL GAS TO THE CITY, ITS SUCCESSORS, INHABITANTS, AND ALL INDIVIDUALS AND ENTITIES, EITHER WITHIN OR BEYOND THE LIMITS THEREOF, FOR ALL PURPOSES, PRESCRIBING CERTAIN RIGHTS, DUTIES, TERMS, AND CONDITIONS IN RESPECT TO THIS FRANCHISE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, Southwest Gas Corporation, a California corporation, has submitted a proposed franchise to be granted to Southwest Gas Corporation, its successors and permitted assigns, by the City of Chandler for the purpose to construct, maintain, and operate its gas system and gas system facilities upon, over, across, and under the present and future public rights-of-way of the City of Chandler for the purpose of supplying natural gas and/or artificial gas, including gas manufactured by any method whatsoever, and/or gas containing a mixture of natural gas and such artificial gas to the City, its successors, inhabitants, and all individuals and entities, either within or beyond the limits thereof, for all purposes; and

WHEREAS, the Constitution and laws of the State of Arizona and the Charter of the City of Chandler provide for and require the submission of the proposed franchise to the qualified electors of the City of Chandler for their approval or disapproval.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler as follows:

Section 1.     Grant of Franchise.

That, subject to approval by the qualified electors of the City of Chandler, there is hereby granted to Southwest Gas Corporation, a California corporation, its successors and permitted assigns, the right and privilege to construct, maintain, and operate its gas system and gas system facilities upon, over, across, and under the present and future public rights-of-way of the City of Chandler for the purpose of supplying natural gas and/or artificial gas, including gas manufactured by any method whatsoever, and/or gas containing a mixture of natural gas and such artificial gas to the City, its successors, the inhabitants thereof, and all individuals and entities, either within or beyond

the limits thereof, for all purposes as described and prescribed by the terms and conditions of that certain document titled "Franchise Agreement Between Southwest Gas Corporation and the City of Chandler, Arizona" attached as Exhibit A.

Section 2.     Effective Date.

The provisions of this Ordinance shall be effective January 1, 2021.

Section 3.     Providing for Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance, or any parts hereof, are hereby repealed.

Section 4.     Providing for Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this 14<sup>th</sup> day of May 2020.

ATTEST:

  
CITY CLERK

  
MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 28<sup>th</sup> day of May, 2020.

ATTEST:

  
CITY CLERK

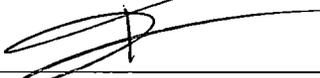
  
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4924 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 28<sup>th</sup> day of May 2020, and that a quorum was present thereat.

  
CITY CLERK

APPROVED AS TO FORM:

  
CITY ATTORNEY

PUBLISHED in the Arizona Republic on June 5 and June 12, 2020.

