

**CITY OF WEST POINT, KENTUCKY
ORDINANCE NO. 2023-07**

AN ORDINANCE RELATED TO THE GRANTING OF A FRANCHISE FOR THE PROVISION OF WATER AND SEWER SERVICES WITHIN THE CITY LIMITS OF WEST POINT.

WHEREAS the Kentucky Constitution provides the authority for the City to grant franchises for the use of a city's streets and rights-of-way of the City of West Point; and **WHEREAS** the City of West Point wishes to continue facilitating the reliable, efficient provision of water and sewer services to its citizens and public facilities; and **WHEREAS** the provision of water and sewer services to residents and businesses within the City requires the use of streets and rights-of-way otherwise envisioned by the framers of the Constitution as requiring a franchise; and **WHEREAS** the City of West Point entered into an agreement to transfer these services, equipment and assets to Hardin County Water District No. 1 by and through an executed agreement approved by the Kentucky Public Service Commission; and **WHEREAS**, the City of West Point has identified and reviewed the following: (i) the future of water and sewer needs as related community needs and interests of the City of West Point and its citizens; (ii) the financial, technical and legal qualifications of Hardin County Water District No. 1; and (iii) the adequacy of the plans that Hardin County Water District No. 1 has provided for water and sewer services in the City of West Point; and **WHEREAS**, the City of West Point has determined that Hardin County Water District No. 1 has the legal, financial and technical ability to effectuate a water and sewer system; and **WHEREAS**, the City of West Point has determined that Hardin County Water District No. 1 water and sewer services proposal, and the terms of the franchise agreement negotiated therefrom, meets the water and sewer related community needs and interests of the City of West Point and its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF WEST POINT, KENTUCKY, AS FOLLOWS:

Section 1. That an exclusive water and sewer services franchise be created and hereby is awarded to Hardin County Water District No. 1 for the provision of said services in West Point city limits.

Section 2. That the Mayor shall be, and hereby is, authorized and directed to execute a franchise agreement consistent with the terms and conditions established in the proposal and/or negotiated between the Parties.

Section 3. The Franchise Agreement granted to and acquired by Hardin County Water District No. 1, under which Hardin County Water District No. 1 will provide such water

and sewer services, will expire by its terms on September 30, 2033, unless lawfully renewed pursuant to the terms of the Franchise Agreement.

Section 4. That the statements set forth in the Preamble to this ordinance are hereby incorporated in this ordinance by reference, the same as if set forth at length herein.

Section 5. All prior ordinances, municipal orders, or policies or parts thereof in conflict herewith, are to the extent of such conflict, hereby repealed.

Section 6. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 7. This Ordinance shall become effective immediately upon passage and publication.

First Read at a Special Council Meeting on December 18, 2023.

Second reading on January 8, 2024.

APPROVED: 
Richard A. Ciresi, Mayor

ATTEST: 
Ashley Gates, City Clerk