

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 008-027

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE EXISTING GAS FRANCHISE BETWEEN THE TOWN AND ATMOS ENERGY CORPORATION TO PROVIDE FOR A DIFFERENT CONSIDERATION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY ATMOS ENERGY CORPORATION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, Atmos Energy Corporation ("Company") is engaged in the business of furnishing and supplying gas to the general public in the Town of Addison, Texas (the "City"), including the transportation, delivery, sale, and distribution of gas in, out of, and through the City for all purposes, and is using the public streets, alleys, grounds and rights-of-ways within the City for that purpose under the terms of a franchise ordinance duly passed by the governing body of the City and duly accepted by Company or its predecessor in interest; and

WHEREAS, the City and Company desire to amend said franchise ordinance to provide for a different consideration.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON TEXAS:

Section 1. The consideration payable by Company for the rights and privileges granted to Company by the franchise ordinance duly passed by the governing body of the Town of Addison, Texas and accepted by Company or its predecessor in interest is hereby changed to be five percent (5%) of the Gross Revenues, as defined in the franchise ordinance.

Section 2. Franchise payments shall be made on the dates prescribed in the existing franchise and shall be for the rights and privileges as set forth in the existing franchise.

Section 3. In accordance with the City Charter and having conducted two readings of and two (2) public hearings on this Ordinance, this Ordinance shall take effect on September 11, 2008 (the said date being thirty (30) days after the date of passage of this Ordinance). Company shall, within thirty (30) days from the receipt of this Ordinance, file its written acceptance of this Ordinance with the Office of the City Secretary in substantially the following form:

To the Honorable Mayor and City Council:

Atmos Energy Corporation, acting by and through the undersigned authorized officer, hereby accepts in all respects, on this the _____ day of _____, 2008, Ordinance No. 008-027, amending the current gas franchise between the City and Atmos Energy Corporation.

Atmos Energy Corporation

By: _____
Vice President, Mid-Tex Division

Section 4. In all respects, except as specifically and expressly amended by this Ordinance, the existing franchise ordinance heretofore duly passed by the governing body of the City shall remain in full force and effect.

Section 5. The City shall provide a copy of this Ordinance to Mr. David Park, VP of Rates and Regulatory Affairs, Atmos Energy Corp., 5420 LBJ Freeway, Suite 1800, Dallas, Texas 75240, no later than ten (10) business days after its final passage and approval.

Section 6. It is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

First Reading and Public Hearing Held and Conducted: June 24, 2008

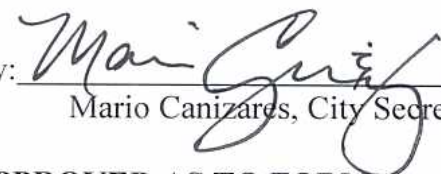
Second Reading and Public Hearing Held and Conducted: July 8, 2008

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 12th day of August, 2008, at which meeting a quorum was present and voting.



Joe Chow, Mayor

ATTEST:

By: 

Mario Canizares, City Secretary

APPROVED AS TO FORM:

By: 

John Hill, City Attorney