

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD, OHIO

ORDINANCE NO. D-1-86-1

AN ORDINANCE GRANTING TO GUERNSEY-MUSKINGUM ELECTRIC COOPERATIVE, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN AND OPERATE IN THE STREETS, THOROUGHFARES, ALLEYS, BRIDGES AND PUBLIC PLACES OF THE VILLAGE OF NEW CONCORD, STATE OF OHIO AND ITS SUCCESSORS, LINES FOR THE DISTRIBUTION OF ELECTRIC ENERGY TO PARTS OF THE VILLAGE OF NEW CONCORD AND THE INHABITANTS THEREOF FOR LIGHT, HEAT, POWER AND OTHER PURPOSES AND FOR THE TRANSMISSION OF THE SAME WITHIN, THROUGH OR ACROSS SAID VILLAGE OF NEW CONCORD, STATE OF OHIO.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEW CONCORD, STATE OF OHIO:

SECTION 1. That Guernsey-Muskingum Electric cooperative, Inc., its successors and assigns (hereinafter called "Grantee") are hereby granted the right, privilege, franchise and authority to acquire, construct, maintain and operate in, above, under, across and along the streets, thoroughfares, alleys, bridges, and public places (as the same now exist or may hereafter be laid out) of the Village of New Concord, State of Ohio, and its successors (hereinafter called "Village"), lines for the distribution of electric energy, either by means of overhead or underground conductors, with all the necessary or desirable appurtenances to render public utility service in the Village and to the inhabitants thereof by supplying electric energy to the Village and to the inhabitants thereof, and persons or corporations beyond the limits thereof, for light, heat, power or any other purposes or purpose for which electric energy is now or may hereafter be used, and the transmission of the same within, through or across the Village. However, Grantee shall provide electric service hereunder only within: (1) the area of the Village either presently being provided electric service by Grantee, or which, at the date of this ordinance, is included in the area shown on maps filed with the Public Utilities Commission of Ohio which the affected electric suppliers have agreed to be within the certified territory of the of the Grantee established pursuant to Sections 4933.81 to 4933.90 of the Revised Code of Ohio, and (2) any other area or areas annexed to the Village after the date of this ordinance, any portion of which is either being provided electric service by Grantee at the time of such annexation, or which at the date of this ordinance is included within the Grantee's aforementioned certified territory.

SECTION 2. That said lines and appurtenances shall be constructed so as to interfere as little as possible with the traveling public in its use of the streets, thoroughfares, alleys, bridges and public places. The location of all poles, or conduits, shall be made under the supervision of the proper board or committee of the Village government.

SECTION 3. That the rights, privileges and franchise hereby granted shall be in force and effect for a period of twenty-five (25) years from the date of the passage of this ordinance.

That the rights, privileges and franchise hereby granted shall not be construed to be exclusive and the Council of the Village hereby reserves the power to grant similar rights, privileges and franchises to any other

person or persons, firm or firms, corporation or corporations.

SECTION 4. That said Grantee shall save the Village harmless from any and all liability arising in any way from negligence in the erection, maintenance or operation of said lines for the distribution of electric energy.

SECTION 5. That whenever said Grantee shall begin the erection of any lines or equipment it shall promptly and diligently prosecute the work to completion and leave the streets, thoroughfares, alleys, bridges, and public places where such work is done in as good condition or repair as before such work was commenced.

SECTION 6. That wherever in this ordinance, reference is made to the Village or the Grantee, it shall be deemed to include the respective successors or assigns of either; and all rights, privileges and obligations herein contained by or on behalf of said Village, or by or on behalf of said Grantee, shall be binding upon, and inure to the benefit of the respective successors or assigns of said Village, or of said Grantee, whether so expressed or not.

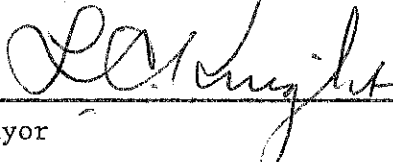
SECTION 7. That this ordinance shall be in full force and effect at the earliest date permitted by law.

PASSED: February 10, 1986



PRESIDENT OF COUNCIL

APPROVED: February 10, 1986




Mayor

ATTEST:



CLERK

I hereby certify that the above Ordinance D-1-86-1 was posted per Ordinance No. L-1-84-1 from February 2, 1986 to April 16, 1986.



Doris I. Waddell, Clerk