

ORDINANCE NO. D-9-97-1

An Ordinance granting [Franchise] to Ohio Power Company, 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 [transmission and] distribution of electric energy to the Village of New Concord, and the inhabitants thereof for light, heat, power, and other purposes, and for the transmission [and distribution] 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 I.

Ohio Power Company, 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, lines for the [transmission and] distribution of electric energy, either by means of overhead or underground conductors, with all the necessary or desirable appurtenances [and appliances, including electric substations], to render public utility service in said Village and to the inhabitants thereof by supplying electric energy to said Village and 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 [and distribution] of the same within, through, or across said Village of New Concord, State of Ohio.

SECTION II.

Said lines, appurtenances [and appliances] 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 III.

The rights, privileges, and franchise hereby granted shall be in force and effect for a period of fifteen (15) years from the date of the passage of this Ordinance.

The rights, privileges, and franchise hereby granted shall not be construed to be exclusive and the Council of the Village of New Concord hereby reserved the power to grant similar rights, privileges, and franchises to any other person or persons, firm or firms, corporation or corporations.

SECTION IV.

Said Grantee shall save the Village harmless from any and all liability arising in any way from Grantee's negligence in the erection, maintenance, or operation of said lines for the distribution [and transmission] of electric energy.

SECTION V.

Whenever said Grantee shall begin the erection or installation 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 of repair as before such work was commenced. Furthermore, said Grantee shall conform to and abide by all laws of the State of Ohio and the Village.

SECTION VI.

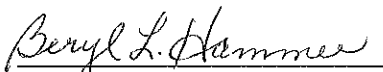
Wherever in this Ordinance, reference is made to the Village or the Grantee, it shall be deemed to include the respective successors or assigns of either; and all rights, privileges, [franchises,] and obligations herein contained by or on behalf of said Village, or by or on behalf of said Grantee, shall 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 VII.

This Ordinance shall be accepted by the Grantee within sixty (60) days from the date of the passage of same.

Passed in Council, this 22<sup>nd</sup> day of September, 1997.

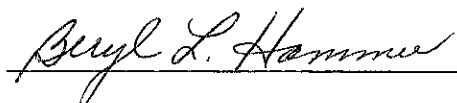
  
\_\_\_\_\_  
Mayor of the Village of New Concord, Ohio

  
\_\_\_\_\_  
Clerk

Approved this 22<sup>nd</sup> day of September, 1997.

  
\_\_\_\_\_  
Mayor of the Village of New Concord, Ohio

I hereby certify that the above Ordinance No. D-9-97-1 was posted per Ordinance No. L-1-84-1 from September 24, 1997 to October 15, 1997.

  
\_\_\_\_\_, Clerk

## ACCEPTANCE

The undersigned, Ohio Power Company, hereby assents to and in writing accepts the foregoing Ordinance No. D-9-97-1 passed by the Council of the Village of New Concord, Ohio, on the 22nd day of September, 1997.

IN WITNESS WHEREOF said Ohio Power Company has caused its corporate name to be signed hereto by its Vice President and its corporate seal to be hereto affixed, attested by its Assistant Secretary, this 12<sup>th</sup> day of February, 1998.

OHIO POWER COMPANY

By Marsha P. Ryan  
Marsha P. Ryan  
Vice President

ATTEST:

Thomas G. Berkemeyer  
Thomas G. Berkemeyer  
Assistant Secretary

An executed acceptance in the foregoing form was filed in my office this 9<sup>th</sup> day of  
March, 1998.

Beryl L. Hammer  
Beryl L. Hammer - Clerk

Village of New Concord