

RECORD OF ORDINANCES

Ordinance No. 2015-5

Passed May 13, 2015 20 15

AN ORDINANCE GRANTING A FRANCHISE TO OHIO POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR THE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN, AND OPERATE IN THE STREETS, THOROUGHFARES, ALLEYS, BRIDGES, AND PUBLIC PLACES OF THE VILLAGE OF THURSTON, STATE OF OHIO, AND ITS SUCCESSORS, LINES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY TO THE VILLAGE OF THURSTON, 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 THURSTON, STATE OF OHIO

WHEREAS, the Village of Thurston's current contract with Ohio Power Company will expire on July 12, 2015; and

WHEREAS, Council for the Village of Thurston is satisfied with the services of, and wishes to renew its contract with, Ohio Power Company.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF THURSTON, OHIO THAT:

SECTION 1: 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 Thurston, State of Ohio, lines for the transmission and distribution of electric energy, either by means of overhead or underground conductors, together with all necessary or desirable appurtenant equipment, to render public utility service in said Village and the inhabitants thereof by supplying electric energy to said Village and 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 Thurston, State of Ohio.

SECTION 2: Said lines and appurtenant equipment shall be constructed in a manner that shall not unreasonably interfere with the traveling public in its use of the streets, thoroughfares, alleys, bridges, and public places.

SECTION 3: The rights, privileges, and franchise hereby granted shall be in force and effect for an initial term of twenty-five (25) years from the date of the passage of this Ordinance. Thereafter, this franchise shall continue for successive one-year terms unless either party hereto provides written notice of its intention not to renew at least one year prior to the term expiration.

The rights, privileges, and franchise hereby granted shall not be construed to be exclusive, and the Council of the Village of Thurston 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: Grantee shall save, hold harmless, and indemnify the Village of Thurston as well as its officials (elected and appointed), employees, successors and/or assigns, of and from any and all actions and causes of action, suits, debts and sums of money, judgments, claims and demands whatsoever, in law or in equity, under the common law, state law, federal law or any other law, rule, regulation, or statute, arising out of or related to, Grantee's acts or omissions in the erection,

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Dayton Legal Blank, Inc.

Form No. 30043

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maintenance, and/or operation of said lines for the distribution and transmission of electric energy, except to the extent such liability arises directly out of the negligence or willful misconduct of the Village.

SECTION 5: Whenever Grantee begins the erection, construction, or installation of any line 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.

SECTION 6: Wherever in this Ordinance reference is made to the Village or 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 the Village of Thurston, or by or on behalf of Grantee, shall be binding upon, and inure to the benefit of the respective successors or assigns of the Village or of Grantee, whether so expressed or not.

SECTION 7: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision making bodies of the Village of Thurston which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

SECTION 8: All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

SECTION 9: This Ordinance shall take effect and be in full force from and after the earliest time allowed by law.

SECTION 10: This Ordinance shall be accepted by the Grantee within sixty (60) days from the date of the passage of same.

Passed in Council this 13 day of May 2015.

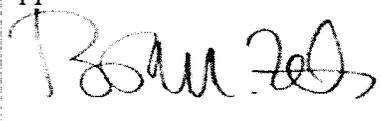

Mary Boring, Mayor

ATTEST: 
Aaron L. Reedy, Clerk-Treasurer

1st Reading 3-11-2015
2nd Reading 4-8-15
3rd Reading -5-13-15

APPROVED:

Approved as to form this 4th day of March 2015:


Brian M. Zets
Village Solicitor