

TEMPORARY ORDINANCE NO. 8-16

PERMANENT ORDINANCE NO. _____

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 CITY OF LANCASTER, STATE OF OHIO, AND ITS SUCCESSORS, LINES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY TO THE CITY OF LANCASTER, 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 CITY OF LANCASTER, STATE OF OHIO AND TO DECLARE AN EMERGENCY

WHEREAS, City of Lancaster, Ohio Ordinance No. 29-66 (Exhibit A attached), passed and approved on March 14, 1966, granted a fifty (50) years easement to Ohio Power Company to provide and maintain electric energy to the City by use of the City right-of-way; and

WHEREAS, the Ordinance is set to expire March 14, 2016 and Ohio Power Company wishes to renew the Ordinance for twenty-five (25) years with successive one (1) year renewals thereafter;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO:

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 City of Lancaster, 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 City and to the inhabitants thereof by supplying electric energy to said City 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 City of Lancaster, 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 (1) year terms, unless either party hereto provides written notice of its intention not to renew at least one (1) 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 City of Lancaster 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. Said Grantee shall save the City 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 5. Whenever said Grantee shall begin the erection or installation of any lines or equipment, it will obtain all the necessary and applicable Federal, State, and Local permits required. Grantee shall promptly and diligently prosecute the work to completion and leave the streets, thoroughfares, alleys, bridges, sewer, utility lines, and public places where such work is done in as good or better condition of repair as before such work was commenced. The repair to any and all City infrastructure (streets, thoroughfares, alleys, bridges, sewer, utility lines, public places, etc.) shall be made according to the most current City of Lancaster standards, general notes, and regulations that govern the quality of the repair being made.

SECTION 6. Wherever in this Ordinance, reference is made to the City 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 City, 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 City, or of said Grantee, whether so expressed or not.

SECTION 7. This Ordinance shall be accepted by the Grantee within sixty (60) days from the date of the passage of same.

SECTION 8. That a real and present emergency exists and that this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Law Committee

I, Teresa L. Sandy, Clerk of Council do hereby certify that on _____, 2016 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

C E R T I F I C A T E

I, Nils Gustavson, Clerk of Council of the City of Lancaster, Ohio, do hereby certify as follows:

1. That the following is a true copy of an ordinance enacted by the Council of the City of Lancaster, Ohio, on the 14th day of March, 1966.

ORDINANCE NO. 29-66

AN ORDINANCE GRANTING 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 CITY OF LANCASTER, STATE OF OHIO, AND ITS SUCCESSORS, LINES FOR THE DISTRIBUTION OF ELECTRIC ENERGY TO THE CITY OF LANCASTER AND THE INHABITANTS THEREOF FOR LIGHT, HEAT, POWER AND OTHER PURPOSES AND FOR THE TRANSMISSION OF THE SAME WITHIN, THROUGH OR ACROSS SAID CITY OF LANCASTER, STATE OF OHIO.

BE IT ORDAINED by the Council of the City of Lancaster,
State of Ohio

SECTION 1. That 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 City of Lancaster, State of Ohio, 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 said City and to the inhabitants thereof by supplying electric energy to said City 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 of the same within, through or across said City of Lancaster, State of Ohio.

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 City government.

SECTION 3. That the rights, privileges and franchise hereby granted shall be in force and effect for a period of fifty (50) 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 City of Lancaster 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 City 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 of repair as before such work was commenced.

SECTION 6. That wherever in this ordinance, reference is made to the City 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 City, 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 City, or of said Grantee, whether so expressed or not.

SECTION 7. That this ordinance shall be accepted by the Grantee within sixty (60) days from the date of the passage of the same.

Passed: 3-14-66 after 3 readings. Vote: Yeas 8 Nays 0.

LEWIS H. URLING, JR.
President of Council

Approved: 3-14-66

WILLIAM E. BURT
Mayor

Attest: Nils Gustavson Clerk

Offered by: R. H. Beck

Seconded by: Dorothy Secoy

2. That the following is a true copy of portions of the minutes of meetings of Council of the City of Lancaster, Ohio, and correctly sets forth the procedure of said Council on the passage of the ordinance mentioned in "1" above.

MINUTES OF CITY OF LANCASTER COUNCIL MEETINGS
COVERING GRANTING A FRANCHISE TO OHIO POWER COMPANY

Meeting held in Council Chamber at 8:00 p.m. February 14, 1966

President Lewis H. Urling, Jr. in the chair.

There were present:

Ralph Beck
Roger Deeds
Winfield Eckert
Robert Hansel

Thomas Joyce
William Miller
Richard Reed
Dorothy Secoy

There were absent:

Leonard Azbell