

TEMPORARY ORDINANCE NO. 52-24

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO GRANT TO SOUTH CENTRAL POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE FOR THE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN AND OPERATE IN THE STREETS, THOROUGHFARES, ALLEYS, BRIDGES AND PUBLIC PLACES OF THE CITY OF LANCASTER, 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 OF THE SAME WITHIN, THROUGH, OR ACROSS SAID CITY OF LANCASTER AND TO DECLARE AN EMERGENCY

WHEREAS, pursuant to Permanent Ordinance No. 45-74 (Exhibit A) which was passed and approved by Lancaster City Council on September 10, 1974, the City of Lancaster granted a fifty (50) year franchise to South Central Power Company to provide and maintain electric energy to the City and its residents by use of the City right-of-way; and

WHEREAS, that Permanent Ordinance expired on October 10, 2024, and South Central Power Company has asked the City to authorize a new franchise ordinance for an initial term of 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. That South Central Power Company, its successors, and assigns (hereinafter "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 (hereinafter "City"), lines for the transmission and distribution of electric energy, either by means of overhead or underground conductors, together with all necessary or desirable appurtenances to render public utility service in the City and to the inhabitants thereof by supplying electric power and energy to the City and the inhabitants thereof, and persons or entities beyond the limits thereof for light, heat, power, or any other purposes or purpose for which electric power and energy is now or may hereafter be used, and the transmission and distribution of the same within, though or across the City.

SECTION 2. That said lines and appurtenances shall be constructed in a manner that shall not unreasonably interfere with the traveling public in its use of the streets, thoroughfares, alleys, bridge, and public places of the City. The location of all poles and conduits shall be made under such reasonable supervision of the proper board or committee of the City as permitted by law.

SECTION 3. That 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 and shall automatically renew for successive one (1) year terms thereafter, unless notice of termination is given by either party hereto in writing at least one (1) year prior to the end of the initial or any renewal term.

SECTION 4. The rights, privileges, and franchise hereby granted shall not be construed to be exclusive and City Council hereby reserves the power to grant similar rights, privileges, and franchises to any other person or persons, firm or firms, corporation or corporations.

SECTION 5. That said Grantee shall indemnify, defend, and 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 6. That 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 perform all 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. Repairs 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 standards and/or any statutes, rules or regulations that govern the quality of the repair being made.

SECTION 7. 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, 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 8. That this Ordinance shall be accepted by the Grantee within sixty (60) days from the date of the passage of same.

SECTION 9. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the City's residents as it is necessary to ensure continued and uninterrupted electric utility services by South Central Power Company; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

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

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Law Committee

I, Anitra Scott, Clerk of Council do hereby certify that on _____, 2024 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

ORDINANCE NO. 45-74

AN ORDINANCE GRANTING TO SOUTH CENTRAL 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 CERTAIN PARTS OF 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 South Central 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, and its successors (hereinafter called "City"), 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 City and to the inhabitants thereof by supply electric energy to the City 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 City; provided, however, that Grantee shall provide electric service hereunder within: (1) the area or areas of the City either presently being provided electric service by Grantee, or which, at the date of this ordinance, is closer to the facilities of Grantee than to those of any other electric supplier, and (2) any other area or areas annexed to the City 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 closer to the facilities of Grantee than to those of any other electric supplier.

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 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: 9-9-74 after 2 reading. Vote: Yeas 8 Nays 1

Approved: 9-10-74

Attest: Madonna Adcock
Clerk

John P. Thompson
President of Council

Offered by: James C. [Signature]

James C. [Signature]
Mayor

Seconded by: Dale J. Brady

Requested by

ORDINANCE NO. 4574

AN ORDINANCE GRANTING TO SOUTH CENTRAL 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 CERTAIN PARTS OF 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 South Central 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, across, under, across and along the streets, thoroughfares, alleys, bridges, and public places for the same now used or may hereafter be laid out of the City of Lancaster, State of Ohio, and its successors (hereinafter called "City") 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 to the City and to the inhabitants thereof by supply electric energy to the City and to the inhabitants thereof, and portions of 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 City, provided, however, that Grantee shall provide electric service hereinafter within (1) the area or areas of the City, other than presently being provided electric service by Grantee or which, at the date of this ordinance, is closer to the facilities of Grantee than to those of any other electric supplier; and (2) any other area or areas annexed to the City 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 closer to the facilities of Grantee than to those of any other electric supplier.

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 franchises 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 franchises hereby granted shall not be construed to be exclusive and the Council of the City hereby reserves the power to grant similar rights, privileges and franchises to any other person or persons, firm or firms, corporations or corporations.

SECTION 4. That said Grantee shall keep 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



10-22-74
File with 45-74

POST OFFICE BOX 250 • PHONE 614/653-4422 • LANCASTER, OHIO 43130

"Owned By Those It Serves"

October 22, 1974

HAND DELIVERED

City of Lancaster
Lancaster, Ohio 43150

Attention: City Clerk

Gentlemen:

Ordinance No. 45-74, passed by the Council of the City of Lancaster, Fairfield County, Ohio on September 9, 1974 and approved on September 10, 1974, is hereby accepted by South Central Power Company this 22nd day of October, 1974. This letter is submitted in fulfillment of the requirement of Section 7 of the aforesaid Ordinance and the requirements of Ohio law.

Attached hereto is a copy of the resolutions of the Board of Trustees of South Central Power Company authorizing this action.

Very truly yours,

SOUTH CENTRAL POWER COMPANY

John W. Eakin
By John W. Eakin, President

RESOLUTION

"BE IT RESOLVED, That Ordinance No. 45-74, passed by the City Council of the City of Lancaster, Ohio on September 9, 1974 granting a franchise to South Central Power Company, its successors and assigns, a certified copy of which has been presented to the Board of Trustees of this Company which the Secretary has been ordered to attach to the Minutes of the meetings of said Board of Trustees, be, and the same hereby is accepted, and the President or General Manager of this Company is authorized and directed to notify the City of Lancaster of such acceptance and to execute any documents which may be necessary or desirable to indicate such acceptance."

CERTIFICATE

I, Harold Kline, the duly qualified, elected and acting Secretary of South Central Power Company, do certify that the Resolution set forth above this Certificate is a true and correct copy of a certain resolution adopted by the Board of Trustees of South Central Power Company at a meeting held on the 22nd day of October, 1974; that said resolution has not been modified or rescinded, and is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of October, 1974.



Secretary

(SEAL)