

ORDINANCE NO. 20-07

ADOPTED ON June 22, 2020

AN ORDINANCE GRANTING A 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 THORNVILLE, LINES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY FOR THE VILLAGE OF THORNVILLE AND THE INHABITANTS THEREOF FOR LIGHT, HEAT, POWER, AND OTHER PURPOSES, AND FOR THE TRANSMISSION AND DISTRIBUTION OF THE SAME WITHIN, THROUGH, OR ACROSS THE VILLAGE OF THORNVILLE

WHEREAS, with Ordinance 341, adopted in July 1970, Council for the Village of Thornville granted the Ohio Power Company (aka AEP Ohio) 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 within the Village of Thornville lines for the transmission and distribution of electric energy; and

WHEREAS, the 1970 Franchise will expire this July; and

WHEREAS, Ohio Power Company has requested, and Council for the Village of Thornville wants to grant, another electric distribution franchise.

NOW, **THEREFORE, BE IT ORDAINED** by the Council of the Village of Thornville, County of Perry, State of Ohio:

SECTION 1: Ohio Power Company, its successors, and assigns (hereinafter called "Grantee") is 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) in the Village of Thornville, 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 the Village and to the inhabitants thereof by supplying electric energy to the 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 the Village of Thornville.

SECTION 2: Said lines, appurtenances and appliances shall be constructed and maintained so as to interfere as little as possible 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 a period of ten (10) 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 Council for the Village of Thornville 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 and hold the Village of Thornville as well as its officials (elected and appointed), employees, agents, and representative harmless from any and all liability, claims, demands, causes of action, cost and expenses arising out of, or related in any way to, Grantee's franchise, including but not limited to, Grantee's acts or omissions in the erection, maintenance, or operation of said lines for the distribution and transmission of electric energy.

SECTION 5: Whenever Grantee begins 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 dwater

SECTION 6: This Ordinance and the franchise granted herein shall be accepted by Grantee within sixty (60) days from the date of the passage of same.

SECTION 7: 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 8: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

SECTION 9: This Ordinance shall take effect at the earliest time allow by Ohio law.

Passed in Council this 22 day of JUNE, 2020.

  
Dan Harrison, Mayor

ATTEST:

  
Clerk of Council

APPROVED:

Approved as to form this 17<sup>th</sup> day of February 2020.

  
Brian M. Zets, Esq.  
Village Solicitor