

ORDINANCE NO. 2025-02

AN ORDINANCE GRANTING FRANCHISE TO CONSOLIDATED ELECTRIC COOPERATIVE, 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 FREDERICKTOWN, STATE OF OHIO, AND ITS SUCCESSORS, LINES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY TO THE VILLAGE OF FREDERICKTOWN, 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 FREDERICKTOWN, STATE OF OHIO

Be it ordained by the Council of the Village of Fredericktown, State of Ohio:

SECTION 1. Consolidated Electric Cooperative, 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 Fredericktown, State of Ohio, lines for the transmission and distribution of electric energy only, 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 Fredericktown, State of Ohio.

SECTION 2. 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.

SECTION 3. The rights, privileges, and franchise hereby granted shall be in force and effect for a period of 25 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 Fredericktown 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 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 5. Whenever said Grantee shall begin the erection or installation of any lines or equipment, it shall comply with any applicable Ordinances with regard to right of way excavations as that chapter now exists or is hereafter modified; 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. Nothing in this grant of franchise shall be interpreted to interfere with, prevent or preclude the future ability of the Village to properly charge fees to the Grantee for the use of the Village's right of way.

SECTION 7. 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 8. That it is found and determined that all formal actions of this Council and any of its committees concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code of Ohio.

SECTION 9. This Ordinance shall take effect and be in force from and after its passage and legal publication and its acceptance, in writing, by the Grantee.

PASSED: _____

Jerry L. Day, Mayor

ATTEST: _____
Suzan Graves, Fiscal Officer