

ORDINANCE NO. 5-60  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Susan L. Knecht ON THE  
19th DAY OF June, 2000.

AN ORDINANCE GRANTING TO THE DAYTON POWER AND LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, A GAS FRANCHISE IN THE CITY OF CENTERVILLE, STATE OF OHIO, FOR A PERIOD OF FIVE (5) YEARS, AUTOMATICALLY RENEWING FOR ADDITIONAL PERIODS OF FIVE (5) YEARS UNLESS NOTICE IS GIVEN, COMMENCING ON THE EFFECTIVE DATE OF THIS ORDINANCE.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS THAT:

Section 1. Subject to the terms and conditions hereof, The Dayton Power and Light Company ("the Company"), its successors and assigns, is granted the right and privilege for the period of five (5) years, commencing on the effective date of this ordinance, to do, carry on and transact in the City of Centerville ("the City") including any area annexed thereto, the business of supplying natural gas to the City and its inhabitants for the purposes for which natural gas is now or may hereafter be used, and to that end to enter upon and in, use and occupy the streets, alleys, avenues, public places and ways of the City to install, maintain and operate all necessary and proper lines, equipment and devices for carrying on its business pursuant to the terms and conditions listed herein. The City hereby reserves the right to amend or abolish this right to enter upon and in, use and occupy the streets, alleys, avenues, public places and ways of the City at any time by the passing of a subsequent ordinance. The rights granted to the Company pursuant to this Ordinance shall automatically renew for successive five (5) year periods, unless two year notice is given by either party. This grant shall apply to all such lines, equipment and devices used or useful for the aforesaid purposes, which are now owned by the Company in said City, and to such as hereafter may be installed, placed or erected by the Company.

Section 2. The Company's Natural Gas Service General Service Rules and Regulations set forth in schedules filed with and approved by The Public Utilities Commission of Ohio as the same are now in effect and as the same may be amended from time to time pursuant to the authority of The Public Utilities Commission of Ohio shall apply to, and shall control the furnishing of natural gas service pursuant to this franchise.

Section 3. Upon the installation, removal or relocation of any such lines, equipment and devices, the surface of each street or public way, which may have been disturbed or broken, shall be replaced in good and workmanlike condition by the Company.

Section 4. Nothing in this ordinance shall be construed as granting to the Company an exclusive right or privilege. The City hereby grants to the Company the express right to assign this natural gas franchise agreement to an affiliate of Vectren, Inc. upon reasonable written notice to the City.

Section 5. Annually before January 1, or other mutually agreeable date, under this franchise, the Company agrees to file with the City a Construction and Major Maintenance Plan, in a format mutually agreeable to the City and the Company, that includes the Company's currently scheduled and/or anticipated construction or major maintenance projects for the next calendar year located within the geographical boundaries of the City.

Section 6. The Company recognizes that it owns numerous facilities and real property within the City and recognizes its commitment to maintain these facilities in a manner befitting the surrounding environment of each facility.

Section 7. Upon request of the City but not more than once annually, the Company shall provide to the City in the most advanced mapping format and in as much detail as currently available to the Company, maps covering the location of all of the Company's natural gas facilities located within the public rights of way within the City.

Section 8. Prior to the commencement of any construction activity by the Company within the public rights of way that requires a permit and otherwise is not exempted by this franchise, the Company agrees to take all reasonable steps to secure all applicable permits from the City. The City may impose reasonable conditions upon the issuance of any permit and the performance of the Company thereunder to protect the public health, safety and welfare of its constituents.

Section 9. The Company shall not be required to secure a permit for construction activity required as a result of any condition involving Company natural gas facilities located within the public rights of way, that poses a clear and immediate danger to life, health or safety to any person or a significant loss of real or personal property (an "Emergency.") Company shall immediately notify the City of any event regarding Company natural gas facilities located within the public rights of way that the Company considers to be an Emergency. The Company agrees to restore the impacted public rights of way to its pre-Emergency condition as soon as practicable after the Emergency ends.

Section 10. The Company, upon request by the City, shall remove, adjust or relocate any and all natural gas pipes, main, service pipes, conduits, valve, drips, curb boxes, manholes, vaults, regulators, or any other natural gas devices or appliances located within the public rights of way at no cost to the City when such removal, adjustment or relocation is requested to accommodate a city improvement involving streets, alleys, avenues, public places and ways of the City.

Section 11. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED this 19th day of June, 2000.

James E. Seiji  
Deputy Mayor of the City of Centerville, Ohio

ATTEST:

Marie J. Laughlin  
Clerk of Council, City of Centerville, Ohio

**CERTIFICATE**

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of Ordinance Number 5-00, passed by the Council of the City of Centerville, Ohio, on the 19th day of June, 2000.

Marie J. Laughlin  
Clerk of Council

Approved as to form, consistency  
with the Charter and Constitutional Provisions.

Department of Law  
Robert N. Farquhar  
Municipal Attorney