

**ORDINANCE NO. 33-98**  
**CITY OF CENTERVILLE, OHIO**

SPONSORED BY COUNCILMEMBER J.V. STONE ON THE  
21<sup>ST</sup> DAY OF DECEMBER, 1998.

AN ORDINANCE GRANTING TO THE DAYTON POWER AND LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE IN THE CITY OF CENTERVILLE, STATE OF OHIO, FOR A PERIOD OF TEN (10) 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, subject to the approval of Centerville City Council, which should not be unreasonably withheld, is granted the right and privilege for the period of ten (10) 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 electricity to the City and its inhabitants, 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; however, such rights-of-way and easements shall be subject to the City's jurisdiction and power to enact right-of-way ordinances or regulations. The rights granted to the Company pursuant to this Ordinance shall automatically renew for an additional period of five (5) years unless notice is given at least five (5) years prior to expiration of the initial term, and shall renew after that first renewal period for successive five (5) year periods unless notice is given at least twelve (12) months prior to expiration of any renewal term.

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 Electric 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 electric 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. Furthermore, the Company shall indemnify and hold the City harmless from and against any and all claims, damages, costs,

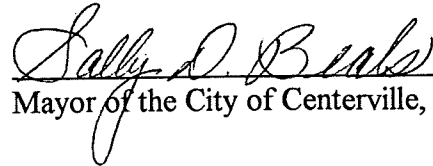
finances, penalties, liabilities, actions or proceedings in tort, contract or otherwise which the City may be required to pay to, or which are asserted or brought by, third persons that arise from and are solely attributable to any negligent or intentional action or omission by the Company in the course of locating its facilities in the public right-of-way pursuant to the authority granted hereunder.

Section 4. Nothing in this ordinance shall be construed as granting to the Company an exclusive right or privilege.

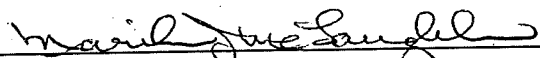
Section 5. This ordinance shall be accepted by the Company in writing within sixty (60) days after the effective date hereof, and upon such acceptance being filed with the City Clerk, this ordinance shall be and constitute a contract between the City and the Company.

Section 6. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED this 21<sup>ST</sup> day of DECEMBER, 1998.

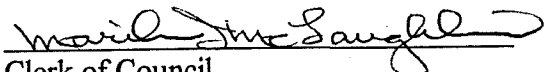
  
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Mayor of the City of Centerville, Ohio

ATTEST:

  
\_\_\_\_\_  
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 33-98, passed by the Council of the City of Centerville, Ohio, on the 21<sup>ST</sup> day of DECEMBER, 1998.

  
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Clerk of Council

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

Department of Law  
Robert N. Farquhar  
Municipal Attorney