

ORDINANCE NO. 45-95
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER JAMES SINGER ON THE
15th DAY OF JANUARY, 1995.

AN ORDINANCE GRANTING TO THE DAYTON POWER AND LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AUTHORIZATION TO SUPPLY ELECTRICITY IN THE CITY OF CENTERVILLE, STATE OF OHIO, FOR A PERIOD OF ONE (1) YEAR, AUTOMATICALLY RENEWING FOR SUCCESSIVE TERMS OF ONE (1) YEAR UNLESS NOTICE IS GIVEN, COMMENCING ON THE EFFECTIVE DATE OF THIS ORDINANCE.

NOW THEREFORE, 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 one (1) year, 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. The rights granted to the Company pursuant to this Ordinance shall be automatically renewed for successive one (1) year periods; for up to two (2) renewal terms; except that the City may cancel or reopen for negotiation this franchise at any time.

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 authorization.

Section 3. Upon the installation, removal or relocations 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 all claims, damages, costs, fines, 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 Dayton Power and Light 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 of Centerville, Ohio and said The Dayton Power and Light Company.

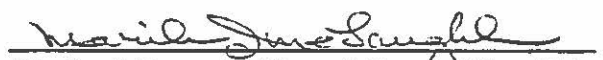
Section 6. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED by the Council of the City of Centerville, State of Ohio, this 15th day of JANUARY, 1995.



Mayor, City of Centerville, Ohio

ATTEST:



Clerk of Council, City of Centerville, Ohio

CERTIFICATE

I, MARILYN J. MCLAUGHLIN, Clerk of the Council of the City of Centerville, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 45-95, passed by the Council of the City of Centerville, Ohio on the 15th day of JANUARY, 1995.


Clerk of Council

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

Department of Law
Robert N. Farquhar
Municipal Attorney