

ORDINANCE NO. 22-85

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Bernard Samples ON

THE 20th DAY OF January, 1986.

GRANTING TO THE DAYTON POWER AND LIGHT COMPANY,
ITS SUCCESSORS AND ASSIGNS, A GAS FRANCHISE IN THE
CITY OF CENTERVILLE, STATE OF OHIO, UNTIL
DECEMBER 31, 1999.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
CENTERVILLE, STATE OF OHIO:

Section 1. Subject to terms and conditions hereof, the Dayton Power and Light Company, its successors and assigns, hereunder sometimes referred to as the Company, is granted the right, power and privilege until December 31, 1999, to do, carry on and transact in the City of Centerville, Ohio, including any area annexed thereto, the authorized business of the Company, the business of supplying natural gas to the City and its inhabitants for lighting, power and heating purposes, and such other purposes for which gas is now or may hereafter be used, and to that end, enter upon, use and occupy the streets, alleys, avenues, public places and ways of the City to lay, relay, replace, maintain, use and operate pipes, conduits, valves, drips, curb boxes, manholes, regulators, vaults, and all other necessary and proper appliances, devices and construction for distributing and supplying as to the City and its inhabitants.

Section 2. The Company's 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 gas service pursuant to this Franchise.

Section 3.

a. The Company shall receive the approval of the City Manager, or his duly authorized agent, for all new installations involving the streets, alleys, avenues, public places and ways of the City. Upon the installation, removal or relocation of any pipe, main, service pipe, conduit, valve, drip, curb box, manhole and vault, regulator or any other device or appliance, the surface of each street or public way, which may have been disturbed or broken, shall be replaced in a good workmanlike condition by the Company, its successors and assigns.

b. Each customer at his own expense, shall provide, install and maintain all facilities necessary to receive the gas supplied by the Company. Each customer shall also provide a meter location satisfactory to the Company.

c. The Company shall not be required to make any extensions on private property at its own expense, nor upon any public way, street, or public utility easement for which the way has not been cleared and the grade has not been established.

d. The point of delivery of all such gas to be supplied hereunder by the Company shall be at the shut-off valves installed at the ends of the Company's service pipes, as above provided, or, where no shut-off valves are installed by the Company, the point of delivery shall be at the point where service pipe of the Company connects with the service pipe of the customer, and the Company shall have no responsibility for such gas at and after it passes said point of delivery into the service pipe of the customer.

e. The Company, upon request by the City, shall immediately remove, adjust or relocate any and all pipes, main, service pipes, conduits, valves, drips, curb boxes, manholes, vaults, regulators, or any other devices or appliances 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.

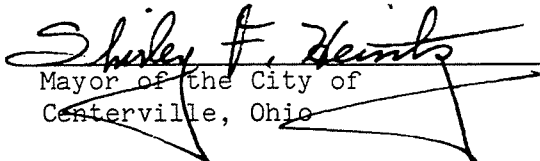
Section 4. As used herein, "natural gas" shall mean an admixture of gases obtained from wells drilled or sunk onto the earth, refined and processed and standardized by commingling, dispatching and, when and to the extent deemed necessary or desirable by the Company or the Company's suppliers, by stabilization in order to insure, so far as possible, uniformity in the utilization factor thereof. The term "natural gas" shall also include an admixture of natural gas, as defined above, and other available hydro-carbon gases, such as liquified petroleum gas-air mixture.

Section 5. Nothing in this ordinance shall be construed as granting to the Company an exclusive right of privilege.

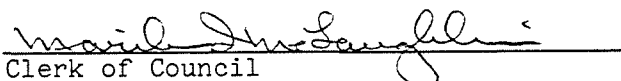
Section 6. This ordinance shall be accepted by the Dayton Power and Light Company in writing within sixty (60) days after the effective date hereof, and upon such acceptance being filed with the City Clerk, this ordinance shall be and constitute a contract between the City of Centerville, Ohio, and said Dayton Power and Light Company, for the uses and purposes herein provided.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED THIS 20th DAY OF January, 1986.


Mayor of the City of
Centerville, Ohio

ATTEST:


Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 22-85, passed by the Council of the City of Centerville, Ohio, on the 20th day of January, 1986.

Maile J. Laughlin
Clerk of Council

Approved as to form, consistency with existing ordinances, the Charter and constitutional provisions.

Department of Law
Robert N. Farquhar
Municipal Attorney

To the Council of the City of Centerville, Ohio

Gentlemen:

The Dayton Power and Light Company hereby accepts Ordinance No. 22-85, entitled:

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 THIRTEEN (13) YEARS, COMMENCING ON THE EFFECTIVE DATE OF THIS ORDINANCE.

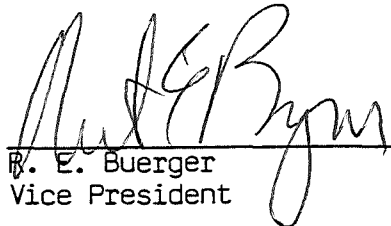
This Acceptance is filed with you in accordance with and in conformity to the terms of Said Ordinance, passed by your Honorable Body on the 20th day of January, 1986.

In Witness Whereof, The Dayton Power and Light Company, by Its Vice President, and duly attested by Its Secretary has hereunto signed Its Name this 18th day of February, 1986.

Sincerely,

THE DAYTON POWER AND LIGHT COMPANY

By


R. E. Buerger
Vice President

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ATTEST:


Secretary