

Section 11. That there be appropriated from the GASOLINE TAX STREET MAINTENANCE AND REPAIR FUND the following:

I. GASOLINE TAX STREET MAINTENANCE AND REPAIR FUND

I 2	Employees	\$ 200.00
I 4	Repairs by Contracts	2,300.00

Total Gasoline Tax Street Maintenance and Repair Fund \$ 2,500.00

Section 15. That there be appropriated from the GENERAL SINKING FUND:

20 A. GENERAL SINKING FUND

20 A 2	Redemption of Bonds	\$ 200.00
20 A 4	Interest on Bonds	90.00

Total General Sinking Fund \$ 290.00

GRAND TOTAL APPROPRIATIONS \$38,505.00

Section 20. And the Village Clerk is hereby authorized to draw his warrants on the Village Treasurer for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefor, approved by the board or officers authorized by law to approve the same, or an ordinance or resolution of council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance. Provided further that the appropriation for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the village, and for purposes other than those covered by the other specific appropriations herein made.

Section 21. This ordinance shall take effect at the earliest period allowed by law.

PASSED January 11, 1954

ATTEST:

(signed) Geo. E. Howe
Clerk of Council

ORDINANCE NO. 2, 1954

VILLAGE OF CENTERVILLE

AN ORDINANCE TO AUTHORIZE THE SALE OF THE MUNICIPAL WATER WORKS OF THE VILLAGE OF CENTERVILLE, OHIO, INCLUDING ALL REAL AND PERSONAL PROPERTY THEREOF, THE ASSIGNMENT OF ALL LEASEHOLD INTERESTS IN CONNECTION THEREWITH, AND FURTHER ASSIGNMENT OF THE RIGHT TO SERVICE, SUPPLY AND SELL WATER TO PRESENT USERS OF WATER OF THE CENTERVILLE WATER SYSTEM; AND TO AUTHORIZE THE INCLUSION OF THE VILLAGE OF CENTERVILLE AS A PART OF THE GREATER MORAINÉ WATER DISTRICT, MONTGOMERY COUNTY, OHIO.

WHEREAS, it has been determined that a water shortage threatens the Centerville, Ohio, Water System, not only by reason of diminution of the water supply but also by reason of inadequacy of pumping facilities, and

WHEREAS, adequate financing of the existing Centerville Water System for purposes of expansion, increased water supply and increased pumping facilities cannot be achieved by practicable means, considering the existing debt structure, and

WHEREAS page 4, Paragraph 1 of the Indenture of the First Mortgage Water Works Revenue Bonds, Village of Centerville, Ohio, being an outstanding Bond Issue of the Village of Centerville Water Works System, reads as follows:

"Said bonds are subject to call for redemption in whole or in part in inverse serial number sequence of bonds of the issue at said time outstanding on the first day of June, 1945 or on any interest paying date thereafter at a redemption price of their par value plus a premium of five per cent if redeemed on or before June 1, 1946, or if redeemed thereafter, plus a premium decreasing from five per cent by one-quarter of one per cent during each succeeding twelve month period, such call to be made by determination of the council of the Village by resolution passed at least thirty days prior to the call date fixed therein, and the publication of the notice of such call in a newspaper of general circulation in the County of Montgomery once a week for four consecutive weeks beginning at least thirty days prior to such call date."

WHEREAS, it is deemed to be in the public interest that the Water Works System of the Village of Centerville, Ohio, be sold, inclusive of all real and personal property, leasehold interests, customer service connections, and all other rights and appurtenances of said Water Works System of the Village of Centerville, Ohio, to the Greater Moraine Water District, Montgomery County, Ohio at private sale, pursuant to the following terms and conditions so as to assure and to maintain a continuous and plentiful supply of water to the citizens of the Village of Centerville and to all users of water of the Centerville Water System, and

WHEREAS the Board of Trustees of Public Affairs of the Village of Centerville has approved and recommended the sale of the said Water Works System by private sale to the Greater Moraine Water District, Montgomery County, Ohio,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Centerville, Ohio:

Section 1. That in order that the inhabitants of the Village of Centerville, Ohio, and other users of the Water Works System of the Village may be adequately served with continuity and increase of water supply, it is declared necessary that the Water Works System of the Village of Centerville, Ohio, including all real and personal property appurtenant thereto, leasehold rights and interests and the right to provide and sell water through existing mains and service connections to present users of water from said System, shall be sold, transferred and assigned to the Greater Moraine Water District, Montgomery County, Ohio, thereafter to be included within and to become a part of said Greater Moraine Water District, under the following terms and conditions.

Section 2. That the said Centerville Water Works System, pursuant to Section 1 above, is hereby offered for sale to the Greater Moraine Water District for the sum of Twenty-Eight Thousand (\$28,000) Dollars, at private sale, to be paid by the purchaser at the time of closing and transfer of title by check acceptable to the Village Council of the Village of Centerville. Said Village of Centerville shall, immediately upon receipt thereof, pay over the entire amount of the purchase price to the Trustee under the said First Mortgage Water Works Revenue Bond Indenture, viz., The Winters National Bank and Trust Company, of Dayton, Ohio, to be used forthwith by said Trustee to call and redeem all revenue bonds outstanding and constituting liens upon the real and personal property and revenues of the said Water Works System, pursuant to the redemption provision of said Mortgage Revenue Bond Indenture as set forth above. Concurrently therewith, and upon the closing date to be determined in the event of and at the time of acceptance of this offer, the Village of Centerville will convey title to the said Water Works System by proper warranty deeds, instruments of assignment and bills of sale, the form of which shall be subject to approval of the Greater Moraine Water District officials or its Counsel. Further, the Village of Centerville will transfer and turn over all of its books, records, accounts, maps, and any and all pertinent papers, instruments, customers' lists and data for use in the operation of the said Water Works System, so as to facilitate in every way the assignment and transfer of responsibility for the continuity of water supply to the Centerville System users, from the Village of Centerville to the Greater Moraine Water District. PROVIDED HOWEVER, that the property offered for sale and to be sold shall not include any escrow accounts, sinking funds, trust accounts or cash on hand or in banks held for the account of the Village of Centerville, Ohio, accruing out of past earnings of the Water Works System. It is further provided that accounts receivable shall be apportioned between seller and purchaser as of the date of transfer of title as hereinbefore provided.

Section 3. Because of the potential emergency, and by reason of greatly increased water usage during the Summer months, this offer to sell is made subject to the condition that it shall be outstanding for a period of three months from the date of its final passage and enrollment as a completed Act of Legislation of this Municipal Corporation. Acceptance of this offer by the Greater Moraine Water District shall be made in the form of a formal resolution of the Board of County Commissioners of Montgomery County, Ohio, the form and adoption of which shall be subject to the approval of the Village Solicitor of Centerville.

Section 4. At the time of conveyance of title of said Water Works System to the Greater Moraine Water District, all statements, bills, accounts and obligations of the Centerville Water System shall be paid in full, regardless of whether or not such debts and obligations shall constitute liens upon the real property, personal property or revenues of said Water Works System so that the said System shall be free and clear of all debts, claims or demands.

Section 5. In addition to the purchase price set forth above, the Greater Moraine Water District shall, as additional consideration for the purchase and transfer, agree, by proper resolution of the Board of County Commissioners of Montgomery County, Ohio, to the following:

(a) The Greater Moraine Water District will construct and lay a water main along State Route 48, the size of which shall be adequate for the purposes hereinafter set forth, so as to make an interconnection between existing water supply mains of the Greater Moraine Water District and the water mains of the Village of Centerville Water System, so as to provide an additional source of water for the users of the Centerville Water System in cases of emergent necessity.

(b) The Greater Moraine Water District shall continue to supply water to the users of the Centerville Water System from the existing Centerville Treatment Plant for so long as the existing Centerville Treatment Plant is capable of meeting the demand for water within the existing Centerville System. The Greater Moraine Water District will continue to supply soft water, from the existing Centerville System, having a hardness of not more than five (5) Grains, to the users of the Centerville System, until such time as the Greater Moraine District shall be able to supply soft water having the same degree of hardness from its own source of supply.

The latter shall, however, be subject to the exception of emergent necessity wherein, in order to make available the continuing and adequate supply of water, the Greater Moraine District would utilize the water available through the interconnecting water main along State Route 48, and subject to the further exception that the Greater Moraine Water District will operate the Centerville Treatment Plant and maintain the present quality of softness of the water until the capacity of that plant is exceeded; in such event, additional water will be supplied from the County System through the interconnecting main along State Route 48.

(c) The Greater Moraine Water District will continue to sell water to the users along the mains of the existing Centerville Water System at rates not to exceed the rates which shall prevail at the time of transfer of title to the purchaser, said rates, however, not to be more than the prevailing rate as of February 1, 1954.

(d) The Greater Moraine Water District will offer to employ the Centerville Water Works Superintendent on the same terms and conditions as he is now employed by the Village of Centerville in that capacity.

Section 6. This Ordinance is passed as an emergency measure, pursuant to Revised Code of Ohio Section 731.30, and a measure necessary for the immediate preservation of the public health and safety in the municipal corporation of Centerville, and is necessary because of the threatened water shortage, the diminution of water supply, the inadequacy of present pumping facilities and the insufficiency of the present Water Works System to serve adequately present users and prospective and probable increased demands upon the System. This Ordinance shall be in full force and effect from and after its date of passage. This Ordinance is passed this 1st day of March, 1954.

(signed) Geo. E. Howe
Clerk, Village of Centerville

Approved this 1st day
of March, 1954.

(signed) James L. Kelsey
Mayor

C E R T I F I C A T E

I hereby certify that the foregoing is a true and correct copy of an Ordinance passed and adopted by the Council of the Village of Centerville, Ohio, this 1st day of March, 1954.

(signed) Geo. E. Howe
Village Clerk

ORDINANCE NO. 3, 1954

VILLAGE OF CENTERVILLE

An Ordinance to amend Ordinance Number 10 - 1953 of the Village of Centerville, Ohio relating to the control of excavations into any street, sidewalk, sidewalk space, alley, or public way.

BE IT ORDAINED by the Council of the Village of Centerville, State of Ohio.

Section 1. Public utility firms or corporations operating under franchise with the Village of Centerville, Ohio, and under authority of the Public Utilities Commission of Ohio shall be excepted from the provisions of Ordinance Number 10 - 1953, Village of Centerville, Ohio, and shall in their place and stead be governed and controlled by the following provisions relating to excavations into a street, sidewalk, sidewalk space, alley or public way by such public utility firm or corporation.

Section 2. In cases of emergency occasioned by a breach or a sudden discontinuance in service of unknown cause in any public utility line lying in the Village of Centerville, such public utility firm or corporation shall not be required to first obtain a permit to make lawful excavation but may, in order to repair such line which may require emergency attention, immediately make such excavation and shall take all steps necessary to continue complete and adequate service to the property owners of Centerville, Ohio.

Section 3. By reason of the extensive lines, pipes and conduits, such public utility firm or corporation, may, at its option, be excepted from that part of Section 2, Ordinance Number 10 - 1953 which requires a cash security deposit. If such public utility firm or corporation shall elect to be so excepted, then it shall forthwith deposit, with the Clerk of the Village of Centerville, Ohio, a performance bond in the sum of not less than \$1,000.00 with corporate surety acceptable to the Village Council to insure the restoration to its original pavement condition of any street, sidewalk, sidewalk space, alley or public way which may be excavated in pursuance of a permit issued under the provisions of Ordinance Number 10 - 1953, or by reason of emergency repairs as set forth, herein.

Section 4. The performance bond of \$1,000.00 set forth in Section 3 above shall provide that in the event such public utility firm or corporation shall for any reason fail to reconstruct and restore such street, sidewalk, sidewalk space, alley or public way within a reasonable period of time, in accordance with the standards and specifications of street construction heretofore adopted by the Village Council of Centerville, Ohio, then the sum of said performance bond shall be forfeited and paid over to the Village of Centerville, Ohio.