

Section G. In the event that the above rates which are minimum rates - not maximum rates, shall prove insufficient to enable said grantee to earn, after payment of operating expenses, maintenance and reasonable allowance for depreciation, a net return of 6% upon the reproduction cost of said utility after making reasonable allowances for depreciation of said utility since the time of its installation, and after taking into consideration the adequacy of the maintenance thereof, the village, by appropriate ordinance, shall raise such rates sufficiently to produce such return, as provided in Section 614-44 of the General Code of Ohio, except that it shall not be necessary for said Village to wait until one year before the expiration of said period, but the duty to increase shall arise upon request of the grantee forthwith, whereupon, in the event that such action by the village is not taken, complaint may be filed in the Public Utilities Commission or its successors in office, and proceedings had before said commission as provided in Section 614-44 et seq. of the General Code of Ohio. The grantee's right to complain to said commission shall be cumulative to its right to enforce the performance of the above imposed duty on the village under the provisions of Section 12283 of the General Code of Ohio.

Section H. For the second ten year period of this franchise, the rates to be charged by said grantee shall be fixed by the council of said village by and with the consent of the grantee or by the Public Utilities Commission or its successors in office in the event of the inability of the village and grantee to agree but, in any event, the rates shall be such as to enable the grantee to earn a minimum of 6% upon the reproduction cost of said plant, less depreciation, as hereinbefore provided, as determined by the Public Utilities Commission after payment of operating expenses, maintenance and a proper allowance for depreciation or replacement.

Section I. This franchise shall take effect immediately upon the confirmation by the court of the foreclosure sale of the property covered by the mortgage of the Village of Centerville to the purchaser of the bonds secured by said mortgage and the trustee designated therein.

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Section 15. Each section of this ordinance and each subdivision of any section thereof is hereby declared to be independent, and the finding or holding of any section or subdivision of any section thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this ordinance.

Section 16. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare in said Village and for the further reason that the immediate acquisition and installation of the improvements to be provided from the proceeds of the bonds herein authorized is required in order to provide an adequate water supply to the Village of Centerville and the inhabitants thereof; wherefore this ordinance shall be in full force and effect from and immediately after its passage.

Passed: May 15, 1942

(signed) Emory W. Bradstreet
Mayor

(signed) George E. Howe
Clerk

ORDINANCE NO. 3 - 1942

AN ORDINANCE TO CHANGE THE NAME OF THE STREET, EXTENDING WESTWARDLY FROM THE ENTRANCE TO THE CEMETERY TO MAIN STREET, FROM CEMETERY DRIVE TO LINWOOD DRIVE.

BE IT ORDAINED by the Council of the Village of Centerville, in the County of Montgomery and the State of Ohio, three-fourths of the members elected thereto concurring:

Section 1: That the name of the street, extending westwardly from the entrance to the cemetery to Main Street, be changed from Cemetery Drive to Linwood Drive.

Section 2: That this ordinance shall take effect from and after the earliest period allowed by law.

Passed by the Council this 30th day of December, 1942.

Approved: (signed) Emory W. Bradstreet
Mayor

Attest: (signed) Luella Brown
Village Clerk