

ORDINANCE NO. 12-77

TITLE. AN ORDINANCE TO GRANT TO GENERAL TELEPHONE COMPANY OF OHIO, ITS SUCCESSORS AND ASSIGNS, IN ACCORDANCE WITH SECTION 4931.23 OF THE OHIO REVISED CODE, THE CONSENT OF THIS MUNICIPAL CORPORATION AND THE RIGHT AND PRIVILEGE TO CONSTRUCT, ERECT, OPERATE, AND MAINTAIN IN, ALONG, OVER, UNDER AND ACROSS THE STREETS, ALLEYS, PUBLIC SQUARES, GROUNDS AND OTHER PUBLIC WAYS IN THE VILLAGE of SPENCER, OHIO, SUCH LINES, WIRES, CABLES, CONDUITS, POLES, PIPES, STUBS, ANCHORS, AND OTHER FIXTURES, APPLIANCES AND EQUIPMENT AS MAY BE NECESSARY OR CONVENIENT FOR FURNISHING TELEPHONE AND OTHER COMMUNICATION SERVICES AND CONDUCTING A TELEPHONE BUSINESS.

Be it ordained by the Council of the VILLAGE of SPENCER, Ohio:

Section 1. The consent of this municipal corporation and the right and privilege to construct, erect, operate and maintain in, along, through, over, under and across the streets, alleys, public squares, grounds and other public ways in the VILLAGE of SPENCER, Ohio (hereinafter referred to as "municipal corporation"), such telephone lines, poles, wires, stubs, anchors, cables, pipes, conduits and other fixtures and appliances as may be necessary or convenient for supplying telephone service and communication by telephone or other electrical device, and to conduct a general telephone business in the municipal corporation, be and it is hereby granted to General Telephone Company of Ohio (hereinafter referred to as the "Company"), an Ohio Corporation with offices at 100 Executive Drive, Marion, Ohio 43302, its successors and assigns, subject to the following conditions:

(a) All telephone lines, wires, poles, stubs, anchors, cables, pipes, conduits and other fixtures and appliances shall be so placed and maintained in the municipal corporation and all work of the Company in connection therewith shall be so performed as not to interfere unreasonably with ordinary travel on the streets and alleys of the municipal corporation or with ingress or egress from any public or private property.

(b) All construction, excavation, maintenance, repair and reconstruction shall be done in a workmanlike manner, and the Company, its successors and assigns, shall at all times hereafter defend, keep harmless and indemnify said municipal corporation from any and all damages, or lawful claims and demands for damages for injury to persons or property, and all costs and expenses to which said municipal corporation may be subjected or be liable for by any process of law or equity growing out of the exercise of the above rights and privileges.

(c) The Company shall have the right and privilege to take up such portion or part of any pavement or sidewalk to make such excavation in the streets of said municipal corporation as may be deemed necessary for the installation or maintenance of underground mains, conduits, or fixtures, but such work shall not necessarily impede public travel on said streets. All pavements and sidewalks which are so taken up for excavating, shall be restored to substantially the same condition as they were prior to the work performed by the Company.

(d) Where practical, new facilities added by the Company will be placed underground, at locations mutually agreed upon by the municipal corporation and the Company.

Section 2. That if any section, sentence, phrase, or any part of this Ordinance is for any reason held to be invalid, such holding shall not be taken as affecting the validity of any remaining parts or portions of this Ordinance.

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law after its passage and filing with the Mayor of said municipal corporation and upon written acceptance of this Ordinance by the General Telephone Company of Ohio. Passed this 23rd day of November, 1977.

Sidney E. Logg  
President of Council

Approved this 23rd day of November, 1977.

Sidney E. Logg  
Mayor

Myranda L. Taylor  
City Clerk

The General Telephone Company of Ohio hereby accepts the consent, rights and privileges granted in the foregoing Ordinance and the conditions therein contained.

IN WITNESS WHEREOF, General Telephone Company of Ohio has caused its name to be affixed by its President and Secretary-Treasurer this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

By: \_\_\_\_\_  
President

By: \_\_\_\_\_  
Secretary-Treasurer

Dates: \_\_\_\_\_