

AN ORDINANCE GRANTING TO THE LORAIN-MEDINA RURAL ELECTRIC COOPERATIVE, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE AND FRANCHISE TO ACQUIRE, CONSTRUCT, MAINTAIN AND OPERATE AN ELECTRIC LIGHT, HEAT AND POWER PLANT, WITH ALL THE APPURTENANCES AND TO ERECT AND MAINTAIN POLES AND STRUCTURES IN, ALONG, OVER, UNDER, ACROSS AND UPON THE STREETS, AVENUES, ALLEYS AND PUBLIC GROUNDS IN THE VILLAGE OF SPENCER, MEDINA COUNTY, OHIO, AND ANY EXTENSION THEREOF FOR ADDITION THERETO, AND TO ATTACH TO THE POLES AND STRUCTURES, CABLES, WIRES, FIXTURES, TRANSFORMERS, LAMPS AND APPLIANCES REQUIRED FOR THE PROPER RECEPTION, TRANSMISSION, DISTRIBUTION AND UTILIZATION OF ELECTRICAL ENERGY FOR LIGHT, HEAT AND POWER AND FOR SUCH OTHER PURPOSE AS THE ADVANCES IN THE ART MAY MAKE POSSIBLE, PROPER AND CONVENIENT

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF SPENCER, MEDINA COUNTY, OHIO

SECTION I: That the Lorain-Medina Rural Electric Cooperative, Inc., a corporation of Ohio, be and the same is hereby granted and vested for a period of ten (10) years, commencing March 15, 1980, and continuing thereafter until terminated, with the right, privilege and franchise to acquire, purchase, lease, accrue, construct, maintain and operate an electric light and power plant or plants with all of the appurtenant privileges, stations and systems of electrical distribution and transmission such as may be required in receiving, transforming, transmitting, protecting and distributing electrical energy for light, heat and power for the purpose of lighting the streets, alleys, public ways, public grounds and public buildings of the Village of Spencer, Medina County, Ohio, and of supplying electrical energy to all persons, firms, associations and corporations within and beyond the limits of the Village of Spencer, Ohio; also the right to erect and maintain poles and structures in, along, over, under, across and upon the streets, alleys, public ways and public grounds of the Village of Spencer, Ohio, and any extensions thereof and additions thereto, and to attach thereto cables, wires, transformers, lamps, fixtures and appliances required, necessary or proper for the reception, transmission, distribution, utilization and sale of electrical energy for light, heat and power and for

such other purpose or purposes as the advances in the art may make possible, proper or convenient, provided however, that any new construction of distribution lines within the Spencer Village limits shall be installed underground and that any replacement of any existing distribution line within the Spencer Village limits which increases the ~~power~~^{village} of such line shall not be undertaken until the plans for such replacement construction have been reviewed and approved by the Spencer Village Council, the approval of which will not be unreasonable withheld.

SECTION II: The poles and structures located upon or under the streets shall be placed along and inside the curb line and the poles and structures located in the alleys shall be placed as near the property line as public safety will permit, and all poles shall be so placed as to property lines that the same will not unreasonably interfere with the rights of private property. The grantee shall maintain the poles, structures, cables, conductors, transformers, lamps, fixtures and appliances in a reasonably safe and satisfactory manner, as an ordinary person would do, and agrees and binds itself to hold harmless the Village of Spencer, Ohio, against all claims and judgments for damages and costs that may be sustained or awarded because of the granting or use of this franchise, or by reason of defective construction and maintenance of its said system or for its negligence in the building and operation of its said system.

SECTION III: This ordinance and the rights, privileges and franchise herein given and granted shall only become binding upon the Village of Spencer, Ohio, and become effective and binding upon the grantee herein, upon the condition that the grantee shall, within thirty (30) days from the passage of this

ordinance, file with the Clerk of the Village of Spencer, Ohio, its written acceptance of this ordinance and the rights, privileges and franchise granted herein, which acceptance and ordinance will constitute a contract between the Village of Spencer, Ohio, and the grantee and shall evidence the rights, privileges and franchise of the parties hereto.

SECTION IV: This ordinance shall take effect at the earliest period allowed by law.

Mayor

PASSED:

ATTEST:

Clerk

ACCEPTANCE

The Lorain-Medina Rural Electric Cooperative, Inc.,
hereby accepts Ordinance No. _____ passed
and entitled:

AN ORDINANCE GRANTING TO THE LORAIN MEDINA RURAL
ELECTRIC COOPERATIVE, INC., ITS SUCCESSORS AND
ASSIGNS, THE RIGHT, PRIVILEGE AND FRANCHISE TO
ACQUIRE, CONSTRUCT, MAINTAIN AND OPERATE AN ELECTRIC
LIGHT, HEAT AND POWER PLANT, WITH ALL THE APPURTENANCES
AND TO ERECT AND MAINTAIN POLES AND STRUCTURES IN, ALONG,
OVER, UNDER, ACROSS AND UPON THE STREETS, AVENUES, ALLEYS
AND PUBLIC GROUNDS IN THE VILLAGE OF SPENCER, MEDINA
COUNTY, OHIO, AND ANY EXTENSION THEREOF OR ADDITION
THERE TO AND TO ATTACH TO THE POLES AND STRUCTURES,
CABLES, WIRES, FIXTURES, TRANSFORMERS, LAMPS AND
APPLIANCES REQUIRED FOR THE PROPER RECEPTION, TRANS-
MISSION, DISTRIBUTION AND UTILIZATION OF ELECTRICAL
ENERGY FOR LIGHT, HEAT AND POWER AND FOR SUCH OTHER
PURPOSE AS THE ADVANCES IN THE ART MAY MAKE POSSIBLE,
PROPER AND CONVENIENT.

* LORAIN MEDINA RURAL ELECTRIC COOPERATIVE, II

Dated: _____

The above acceptance was filed with the Clerk of the
Village of Spencer, Ohio, this _____ day of
1980.

Clerk of the Village of Spencer, Ohio