

ORDINANCE NO. 167

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 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 OR 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 twenty-five (25) years, commencing August 1, 1962, with the right, privilege and franchise to acquire, purchase, lease, accrue, construct, maintain and operate an electric light, heat 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 generating, 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.

That the rates to be charged for said services during the first ten year period of this franchise, unless changed or modified by the mutual agreement of the Village of Spencer and the Lorain-Medina Rural Electric Cooperative, Inc., are as follows:

REFER TO:

SPENCER VILLAGE RATE EFFECTIVE

August 1, 1962

30 KWH @ 5¢ Minimum Bill \$1.50  
70 KWH @ 4¢  
100 KWH @ 3¢  
300 KWH @ 2¢  
All over 500 KWH @ 1½¢

SECTION II: The poles and structures located upon 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 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

Page 3-

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: That Ordinance No. 134 passed December 23, 1954, granting a similar franchise to The Lorain-Medina Rural Electric Cooperative, Inc. and all other ordinances inconsistent herewith be and hereby are repealed.

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

Passed: *July 12, 1962*

*Walter D. Zieher*  
\_\_\_\_\_  
President of Council

ATTEST:

*Gordon L. Brouse*  
\_\_\_\_\_  
Clerk

APPROVED:

*Gross E. Garm*  
\_\_\_\_\_  
Mayor

ACCEPTANCE

The Lorain-Medina Rural Electric Cooperative, Inc., hereby  
accepts Ordinance No. 167 passed July 12  
a  
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 ER-ECT AND MAINTAIN POLES AND STRUCTURES IN, A- LONG, 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 THERETO AND TO ATTACH TO THE POLES AND STRUCTURES, CABLES, WIRES, FIXTURES, TRANSFORMERS, LAMPS AND APPLIANCES REQUIRED FOR THE PROPER RECEPTION, TRANSMISSION, DISTRIBUTION AND UTILI- ZATION OF ELECTRICAL ENERGY FOR LIGHT, HEAT AND POWER AND FOR SUCH OTHER PURPOSES AS THE ADVANCES IN THE ART MAY MAKE POSSIBLE, PROPER OR CONVENIENT.

LORAIN-MEDINA RURAL ELECTRIC COOPERATIVE, INC.

By Paul B. Gump  
Gen. Mgr.

Dated:

July 12 1962

The above acceptance was filed with the Clerk of the Village of Spencer, Ohio, this 12 day of July, 1962.

Ronald L. Brown  
Clerk of the Village of  
Spencer, Ohio