

ORDINANCE 04- 7

An Ordinance Granting A Franchise To Ohio Power Company for the Transmission and Distribution of Electric Energy Within the Village of South Point

Whereas, the South Point Village Council deems it necessary to grant a franchise to Ohio Power Company, its successors and assigns, for the right to acquire, construct, maintain, and operate in the streets, thoroughfares, alleys, bridges, and public places of the Village of South Point, State of Ohio, and its successors, lines for the transmission and distribution of electric energy to the Village of South Point, State of Ohio, and the inhabitants thereof for light, heat, power, and other purposes, and for the transmission and distribution of the same within, through, or across said Village of South Point, State of Ohio.

Now Therefore, Be It Ordained by the Council of the Village of South Point, State of Ohio:

Section 1. Ohio Power Company, its successors, and assigns (hereinafter called "Grantee") are hereby granted the right, privilege, franchise, and authority to acquire, construct, maintain, and operate in, above, under, across, and along the streets, thoroughfares, alleys, bridges, and public places (as the same now exist or may hereafter be laid out) of the Village of South Point, State of Ohio, lines for the transmission and distribution of electric energy, either by means of overhead or underground conductors, together with all necessary or desirable appurtenant equipment, to render public utility service in said Village and to the inhabitants thereof by supplying electric energy to said Village and the inhabitants thereof, and persons or corporations beyond the limits thereof for light, heat, power, or any other purposes or purpose for which electric energy is now or may hereafter be used, and the transmission and distribution of the same within, through, or across said Village of South Point, State of Ohio.

Section 2. Said lines and appurtenant equipment shall be constructed in a manner that shall not unreasonably interfere with the traveling public in its use of the streets, thoroughfares, alleys, bridges, and public places.

Section 3. The rights, privileges, and franchise hereby granted shall be in force and effect for a period of fifty (50) years from the date of the passage of this ordinance. (This same Ordinance number 65 adopted by South Point Village Council on Nov. 30, 1954 expires Nov. 30, 2004.)

The rights, privileges, and franchise hereby granted shall not be construed to be exclusive and the Council of the Village of South Point hereby reserves the power to grant similar rights, privileges, and franchises to any other person or persons, firm or firms, corporation or corporations.

Section 4. Said Grantee shall save the Village harmless from any and all liability arising in any way from Grantee's negligence in the erection, maintenance, or operation of said lines for the distribution and transmission of electric energy, except to the extent such liability arises out of the contributory negligence or willful misconduct of the Village.

Section 5. Whenever said Grantee shall begin the erection or installation of any lines or equipment, it shall promptly and diligently prosecute the work to completion and leave the streets, thoroughfares, alleys, bridges, and public places where such work is done in as good condition of repair as before such work was commenced.

Section 6. Wherever in this Ordinance, reference is made to the Village or the Grantee, it shall be deemed to include the respective successors or assigns of either: and all rights, privileges, franchises, and obligations herein contained by or on behalf of said Village, or by or on behalf of said Grantee, shall be binding upon, and inure to the benefit of the respective successors or assigns of said Village or of said Grantee, whether so expressed or not.

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Section 7. This Ordinance shall take effect and be in force the earliest period allowed by law and shall be accepted by the Grantee within sixty (60) days from the date of the passage of same.

Adopted This 7th Day of Sept., 2004

William A. Gaskin
William A. Gaskin, Mayor

Attest: Scott Thomas
Scott Thomas, Clerk

First Reading Approved July 6, 2004

Second Reading Approved Aug. 3, 2004

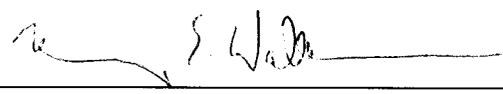
Third Reading Approved Sept. 7, 2004

ACCEPTANCE

The undersigned Ohio Power Company hereby assents to and in writing accepts the foregoing Ordinance No. 04-07 passed by the Council of the Village of South Point, Ohio, on the 7th day of September 2004.

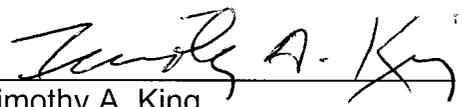
IN WITNESS WHEREOF said Ohio Power Company has caused its corporate name to be signed hereto by its President and its corporate seal to be hereto affixed, and attested by its Secretary, this 25th day of October, 2004.

OHIO POWER COMPANY

By 
Kevin E. Walker
President & COO

OK legal
TAS

ATTEST:


Timothy A. King
Secretary

An executed acceptance in the foregoing form was filed in my office this 26th day of Oct, 2004.


Clerk of Council
of the Village of

South Point, Ohio