



## CITY OF PATASKALA

### ORDINANCE 2018-4320

Passed June 4, 2018

**AN ORDINANCE GRANTING (FRANCHISE) TO LICKING RURAL ELECTRIFICATION, INC., OF NEWARK, OHIO, ITS SUCCESSORS AND ASSIGNS THE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN, AND OPERATE IN THE STREETS, THOROUGHFARES, ALLEYS, BRIDGES, AND PUBLIC PLACES OF THE CITY OF PATASKALA, OHIO, LINES FOR THE DISTRIBUTION OF ELECTRIC ENERGY TO THE CITY OF PATASKALA AND ITS INHABITANTS THEREOF FOR LIGHT, HEAT, POWER AND OTHER PURPOSES AND FOR THE TRANSMISSION OF THE SAME WITHIN, THROUGH, OR ACROSS THE CITY OF PATASKALA**

*WHEREAS*, a franchise to use the streets, avenues, alleys, thoroughfares, lands, sidewalks, bridges and all other public grounds and places must be granted to Licking Rural Electrification, Inc. in order to provide a power distributing system and electricity for power and light purposes within the City of Pataskala.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO; A MAJORITY OF THE MEMBERS ELECTED THERETO CONCURRING THAT:**

Section 1: That Licking Rural Electrification, Inc., a not-for-profit corporation organized under the laws of the State of Ohio, its successors and assigns, (hereinafter called "Company") is hereby granted the non-exclusive right, privilege, franchise and authority to acquire, construct, maintain and operate in, above, under, across, and along the streets, alleys, thoroughfares, bridges, and public places, as the same now exist or may hereafter be laid out, in the City of Pataskala, State of Ohio, (hereinafter called the "City"), lines for the transmission and distribution of electric energy, either by means of overhead or underground conductors, with all necessary or desirable appurtenances and appliances, including electric substations, for the purpose of supplying electric energy to the City and the inhabitants thereof and persons or corporations beyond the limits thereof for heat, power or any other purpose or purposes for which electric energy is now or may hereinafter be used.

Section 2: Said pole lines, appurtenances and appliances shall be constructed so as not to interfere with the proper use of the streets, thoroughfares, avenues, alleys, lanes, sidewalks, bridges and other public grounds and public places.

**Section 3:** Whenever the Company shall begin the erection or installation of any such lines or equipment it shall promptly and diligently prosecute such work to completion and shall leave the streets, alleys and other public places where such work is done in as good condition or repair as they were before such work was commenced.

**Section 4:** The Company shall fully indemnify and save harmless the City from any and all damages, costs and expenses of every kind occasioned by any act or omission of the Company in exercising any of its rights, privileges, franchises and obligations under this Ordinance.

**Section 5:** Whenever in this Ordinance reference is made to the City or Company, it shall be deemed to include their respective successors and/or assigns; and all rights, privileges, franchises, obligations herein contained by or on behalf of the City, or by or on behalf of the Company, shall be binding upon, and inure to the benefit of the respective successors or assigns of the City, or of the Company, whether so expressed or not.

**Section 6:** The rights, privileges and authority granted by this Ordinance (franchise) shall continue for a period of five (5) years from the date this Ordinance becomes effective; and upon expiration of that period franchise granted hereunder shall renew automatically for another period of five (5) years; and then it shall continue in full force and effect thereafter for additional five (5) year automatically renewing periods unless expressly superseded by a validly enacted ordinance.

**Section 7:** The terms and provisions of this ordinance are joint and several, and the invalidity of any part shall not affect the validity of the remainder of the ordinance.

**Section 8:** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision making bodies of the City of Pataskala which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

**Section 9:** This Ordinance shall replace and supersede Ordinance No. 2013-4141 granting a non-exclusive franchise to Licking Rural Electrification, Inc.

**Section 10:** This Ordinance shall become effective from and after the earliest period allowed by the Charter of the City of Pataskala.

**ATTEST:**

  
Kathy M. Hoskinson, Clerk of Council

  
Michael W. Compton, Mayor

Approved as to form:



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Brian M. Zets, Law Director

ACCEPTED BY:

LICKING RURAL ELECTRIFICATION, INC.

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

Name: \_\_\_\_\_

Its: \_\_\_\_\_

