

AN ORDINANCE: GRANTING THE WEST OHIO GAS COMPANY A CORPORATION UNDER THE LAWS OF THE STATE OF OHIO, THE RIGHT AND PRIVILEGE TO LAY, MAINTAIN AND OPERATE GAS PIPES IN THE VILLAGE OF OTTOVILLE, OHIO FOR DISTRIBUTING NATURAL, OR EQUIVALENT GAS TO THE CONSUMERS THEREOF, FOR AND DURING THE PERIOD OF TIME SPECIFIED HEREIN.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OTTOVILLE, OHIO:
SECTION 1.

Subject to the terms, provisions and conditions of this ordinance, there is hereby granted to the West Ohio Gas Company ("Company") and its successors and assigns, through and along the streets, avenues, lanes, alleys, public squares and public places in said Village, the right and privilege for twenty-five (25) years from the effective date of this ordinance of laying, constructing, maintaining, using, operating, interchanging and removing one or more lines of gas mains and branch pipes, with the necessary feeders, drips, service pipes and other devised necessary in the conducting, supplying and delivering natural or equivalent gas to the consumers thereof; provided, that any gas lines and service connections now laid or which hereafter may be laid by said Company, may be used for the transportation and distribution of either natural or equivalent gas.

SECTION 2.

In consideration of the agreement by the Company to invest more than \$400,000 to provide gas service to the Village, the Village hereby agrees as follows:

a. The Village shall contribute the sum of \$62,500 as an aid in construction. Said sum shall be payable as follows one-half by December 31, 1996 and the balance during 1997, and shall be applied by the Company toward the cost of construction of the gas lines and other devices necessary for delivering gas to consumers in the Village;

b. The Village agrees that gas rates will be established by rate ordinance on a Home Rule basis pursuant to Article XVIII, §4 of the Ohio Constitution for a period which shall not extend beyond December 31, 2000. Thereafter, the rates charged for gas service in the Village shall be the same as those established by the Public Utilities Commission of Ohio for the balance of the Company's service area.

c. During the period of the laying of pipes and gas lines and the performance of all construction necessary for the initial delivery of gas to consumers in the Village (hereinafter referred to as the "Initial Construction Period"), the Village shall be responsible for all of the surface restoration of all streets, alleys, yards and other surface areas to as good condition as the same was before such opening or excavation was made, including without limitation all required fine leveling, paving, reseeding, and repair or replacement of plants. During said Initial Construction Period the Village shall hold the Company harmless for all damages or injury, relating to or resulting from such surface restoration.

SECTION 3.

After the end of the Initial Construction Period, whenever the Company shall lay down, extend or relay their gas pipes through any of the streets, alleys, lanes, avenues, public squares or public places of said Village, all excavations made and work done shall be to the satisfaction of the Village Council or such person as said Council may appoint to supervise the same, and whenever the Company shall open ground in any street, avenue, alley, lane, public square or public place in the Village for the purpose of laying, or repairing such mains, branch pipes or service pipes or connections, as soon as the laying or repairing shall have been done, the Company shall restore such street, avenue, alley, lane, public square or public place, excluding surface restoration such as but not limited to paving, stoning and seeding which shall be the responsibility of the Village to repair, to as good condition as the same was before such opening, and such work shall in all cases be done with the utmost possible diligence.

SECTION 4.

After the end of the Initial Construction Period, the Company, occupying the streets under this ordinance, shall save the Village harmless from any and all damages or injury which it may at any time incur by reason of any excavation that shall or may be made under this ordinance, or by reason of conducting said natural or equivalent gas through the streets, avenues, alleys, lanes, public squares, or public places as provided in this ordinance.

SECTION 5.

The Company, its successors and assigns, shall make connections with the mains or branch pipes and lay service pipes for furnishing either natural or equivalent gas to applicants adjacent to said lines who may desire to use the same. Said services pipes shall be laid to the property line on all streets by the Company and/or to a vantage point on the property line of a building or structure abutting an alley in which a gas line has been or may be constructed or laid.

SECTION 6.

Except for the establishment of gas rates during the period of Home Rule as set forth Section 2(b) above, the terms and conditions of the service to be rendered hereunder shall conform with and be subject to the Rules and Regulations of the Company presently on file with the Public Utilities Commission of Ohio, as the same may from time to time be amended.

SECTION 7.

This Ordinance shall not become effective until the Company files with the Clerk of Council, its written acceptance of the terms, provisions and conditions of this Ordinance, and shall pay all costs of publication hereof.

SECTION 8.

It is mutually understood that nothing herein contained shall be construed as granting any company or companies, the exclusive

right or privilege of furnishing gas service to the Village of Ottoville, Ohio or the citizens thereof.

SECTION 9.

This Ordinance is hereby declared to be an emergency measure necessary for the health and safety of the community and shall therefore become effective upon passage.

Date Passed: November 6, 1995

ATTEST:

APPROVED:

Virginia M. Kerimet
Clerk-Treasurer

Jack Devitt
Mayor

Ottoville, Ohio

November 6, 1995

I hereby certify that the Ordinance shown herein above is a true and correct copy of Ordinance No. 264 passed by the Village of Ottoville, Ohio, on November 6, 1995.

Virginia M. Kerimet
Clerk/Treasurer