

ORDINANCE NO. 323

Amended
Ord# 2009-04

AN ORDINANCE GRANTING A NATURAL GAS PIPELINE EASEMENT TO ALL AMERICAN ENERGY COOPERATIVE ASSOCIATION INC. ("AAECA").

WHEREAS, the Council for the Village of Ottoville, Ohio, has determined that it is in the best interests of the Village residents to have available the opportunity to obtain natural gas service to their properties; and

WHEREAS, All American Energy Cooperative Association Inc. has been incorporated as an Ohio non-profit corporation to serve as a member-owned natural gas cooperative covering a geographic area which includes the Village of Ottoville, Ohio; and

WHEREAS, AAECA has requested a perpetual natural gas pipeline easement to permit it to install pipeline within the rights-of-way of the Village's roads, which easement would be exclusive for a term of ten (10) years; and

WHEREAS, Council has determined that the grant of such perpetual natural gas pipeline easement is in the best interests of the residents of the Village of Ottoville, Ohio

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Ottoville, Ohio, two-thirds (2/3) of all members elected thereto concurring:

1. All American Energy Cooperative Association, Inc. is hereby granted a perpetual easement and right-of-way through and under the streets, avenues, alleys, lanes, sidewalks and other public property and places within the Village for the purpose of constructing, maintaining, operating and removing one or more lines of gas main and branch pipe, drips, meters, regulators and other devices and facilities convenient to the operation of such line and pipes in the conducting, supplying and delivery of natural gas to the members thereof within the Village and in surrounding geographic areas. All public and private property disturbed in said construction or operation shall be repaired within 45 days of completion of work, weather permitting, to reasonable Village specifications.
2. The perpetual easement granted shall be exclusive to AAECA for a limited period of ten (10) years from the effective date of this ordinance. After the expiration of ten (10) years, the easement shall remain in full force and effect, but shall no longer be exclusive.

3. In the work of laying, removing, changing or repairing it's pipes, said All American Energy Cooperative Association Inc. shall not unreasonably injure or interfere with or change any existing arrangements, such as sewers and water lines already laid or hereafter to be laid in the Village and any such damage or injury shall promptly be repaired by and at the cost of All American Energy Cooperative Association, Inc.

4. This grant of easement shall be expressly conditioned upon All American Energy Cooperative Association, Inc. agreeing that it shall at all times hold and save the Village harmless from any and all damages to the person or property of any individual, company, partnership or corporation, occurring by reason of or growing out of the use and occupancy of the streets, avenues, lanes, alleys, sidewalks and other public property within the Village for said construction or operation.

5. This easement and the rights granted hereunder shall terminate and become null and void, in the event All American Energy Cooperative Association, Inc. its successors or assigns fails to break ground for the purpose so intended within thirty (30) months of the effective date of this Ordinance.

6. This Ordinance is immediately necessary to grant said easement in order to maximize the likelihood that natural gas service shall be made available to the Village's residents and businesses within the term of this agreement.

7. In accordance with Section 731.30 of the Revised Code this ordinance shall be an emergency measure necessary to protect the health, safety, welfare of the citizens of the Village of Ottoville by the Council of the Village of Ottoville.

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage by Council and approval by the Mayor.

PASSED: Oct. 14, 2002 Ronald N Miller
Date President of Council

ATTEST: Jeanne M Wannemacher
Clerk of Council

APPROVED: Judy M. Wannemacher
Mayor