

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD

**ORDINANCE NO. D- 3-14-1**

AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO GUERNSEY- MUSKINGUM ELECTRIC COOPERATIVE INCORPORATED, 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 NEW CONCORD, STATE OF OHIO, AND ITS SUCCESSORS, LINES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY TO THE VILLAGE OF NEW CONCORD, 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 NEW CONCORD, STATE OF OHIO. FIRST READING.

Be it ordained by the Council of the Village of New Concord, State of Ohio:

Section 1. Guernsey-Muskingum Electric Cooperative, Inc., its successors, and assigns (hereinafter called "Grantee") are hereby granted the right, privilege, franchise, and authority to maintain, and operate in, above, under, across, and along the streets, thoroughfares, alleys, bridges, and public places (as the same now exist) of the Village of New Concord, State of Ohio, lines for the transmission and distribution of electric energy, by means of overhead and 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 New Concord, State of Ohio and 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 New Concord, State of Ohio, lines for the transmission and distribution of electric energy, by means of underground conductors for areas in the State Route 83 right of way and any Village street and within one hundred linear feet from said right of ways, the result of which will be that all new lines for the transmission and distribution of electric energy shall be by means of underground conductors within all Village right of ways including the State Route 83 right of way and all areas with one hundred linear feet of said right of ways except that the Village Planning Commission may waive the underground requirement when circumstances such as geology or terrain make it impractical to use underground conductors.

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 an initial term of ten (10) years from the date of the passage of this Ordinance. Thereafter this franchise shall continue for successive one-year terms, unless either party hereto provides written notice of its intention not to renew at least one year prior to the term expiration.

The rights, privileges, and franchise hereby granted shall not be construed to be exclusive and the Council of the Village of New Concord 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.

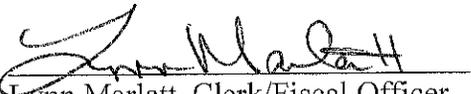
Section 5. Whenever said Grantee shall begin the erection or installation of any lines or equipment, it shall promptly and diligently prosecute the work to completion and leave the streets, thoroughfares, alleys, bridges, and public places where such work is done in as good condition of repair as before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

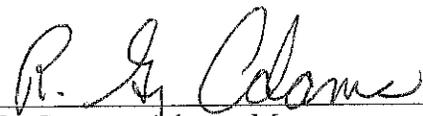
Section 7. This Ordinance shall be accepted by the Grantee within sixty (60) days from the date of the passage of same.

Passed in Council, this 10<sup>th</sup> day of March, 2014

  
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Brett Essex, Council President

  
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Lynn Marlatt, Clerk/Fiscal Officer

Approved this 10<sup>th</sup> day of March, 2014

  
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R. Gregory Adams, Mayor,