

**ORDINANCE NO. 1998-05**

AN ORDINANCE GRANTING TO THE DAYTON POWER AND LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, A GAS FRANCHISE IN THE CITY OF BROOKVILLE, STATE OF OHIO, FOR A PERIOD OF TWENTY-FIVE (25) YEARS, AUTOMATICALLY RENEWING FOR ADDITIONAL PERIODS OF ONE (1) YEAR UNLESS NOTICE IS GIVEN, COMMENCING ON THE EFFECTIVE DATE OF THIS ORDINANCE.

**BE IT ORDAINED BY THE CITY OF BROOKVILLE, STATE OF OHIO, THAT:**

SECTION 1: Subject to the terms and conditions hereof, The Dayton Power and Light Company ("the Company"), its successors and assigns, is granted the right, power and privilege for the period of twenty-five (25) years, commencing on the effective date of this Ordinance, to do, carry on and transact in the City of Brookville (the "City") including any area annexed thereto, the authorized business of the Company, including the business of supplying natural gas to the City and its inhabitants for the purposes for which natural gas is now or may hereafter be used, and to that end, to enter upon, in, use and occupy the streets, alleys, avenues, public places and ways of the City to install, maintain and operate all necessary and proper gas lines, equipment and devices for carrying out its business. The rights granted to the Company pursuant to this Ordinance shall automatically renew for one (1) year periods. The City may give five (5) years notice of its intent to terminate this Agreement any time after the twentieth (20) year.

SECTION 2: The Company's Gas Service General Service Rules and Regulations set forth in schedules filed with and approved by The Public Utilities Commission of Ohio, as the same are now in effect, and as the same may be amended from time to time pursuant to the authority of The Public Utilities Commission of Ohio, shall apply to, and shall control the furnishing of natural gas pursuant to this franchise.

SECTION 3: Upon the installation, removal or relocation by the Company of any such lines, equipment and devices, the surface of each street or public way, which may have been disturbed or broken, shall be replaced in a good and workmanlike condition by the Company.

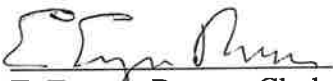
SECTION 4: The Company shall not be required to make any natural gas service extensions on private property nor upon any public way, street or public utility easement for which the way has not been cleared and the grade has not been established.


SECTION 5: Nothing in this Ordinance shall be construed as granting the Company an exclusive right or privilege.

SECTION 6: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED by Council of the City of Brookville, Ohio, this 5th day of May, 1998.


ATTEST:

  
E. Eugene Roeser, Clerk

  
Thomas L. Dafler, Mayor

#### CERTIFICATE

The undersigned, Clerk of the Municipality of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 1998-05, passed by the Council of the Municipality of Brookville, Ohio, on the 5th day of May, 1998.

  
E. Eugene Roeser, Clerk

#### CERTIFICATE OF POSTING

The undersigned, clerk of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1998-05 was posted at the Municipal Building, US Post Office and the Brookville National Bank, Brookville, Ohio, on the 8th day of May, 1998 to the 8th day of June, 1998, both days inclusive.

  
E. Eugene Roeser, Clerk

  
Thomas L. Dafler, Mayor