

## ORDINANCE NO. 1997-04

AN ORDINANCE GRANTING TO THE DAYTON POWER AND LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC 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 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 electricity to the City and its inhabitants for the purposes for which electricity is now or may hereafter be used, and to that end to enter upon and in, use and occupy the streets, alleys, avenues, public places and ways of the City to install, maintain and operate all necessary and proper lines, equipment and devices for carrying on 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.

This grant shall apply to all such lines, equipment and devices used or useful for the aforesaid purposes, which are now owned by the Company in said City, and to such as hereafter may be installed, placed or erected by the Company.

**SECTION 2:** The Company's Electric 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 electric service pursuant to this franchise.

**SECTION 3:** Upon the installation, removal or relocation 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 good and workmanlike condition by the Company.

**SECTION 4:** Nothing in this ordinance shall be construed as granting to the Company an exclusive right or privilege.

**SECTION 5:** This ordinance shall be accepted by The Dayton Power and Light Company in writing within sixty (60) days after the effective date hereof, and upon such acceptance being filed with the City

Clerk, this ordinance shall be and constitute a contract between the City of Brookville, Ohio and said The Dayton Power and Light Company.

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

PASSED by the Council of the City of Brookville, State of Ohio, this 1st day of July, 1997.

  
Thomas L. Taylor  
MAYOR

ATTEST:

  
E. Eugene Roeser  
CLERK

### C E R T I F I C A T E

I, E. Eugene Roeser, Clerk of the City of Brookville, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1997-04, passed by the Council of said City on the 1st day of July, 1997.

WITNESS my hand at the City of Brookville, Ohio, this 1st day of July, 1997.

  
E. Eugene Roeser  
CLERK

### C E R T I F I C A T E O F P O S T I N G

The undersigned, Clerk of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1997-04 was posted at the Municipal Building, US Post Office and the Brookville National Bank, Brookville, Ohio on the 3rd day of July, 1997 to the 3rd day of August, 1997, both days inclusive.

  
E. Eugene Roeser  
CLERK