

ORDINANCE Number: 26-08-044

Committee: Judiciary and Annexation

**AN ORDINANCE AMENDING ORDINANCE 26-02-010
GRANTING A FRANCHISE TO OHIO POWER, ITS
SUCCESSORS AND ASSIGNS, THE RIGHT TO ACQUIRE,
CONSTRUCT, MAINTAIN, AND OPERATE IN THE STREETS,
THOROUGHFARES, ALLEYS, BRIDGES, AND PUBLIC
PLACES OF THE CITY OF VAN WERT, STATE OF OHIO, 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 CITY OF VAN WERT, STATE OF OHIO THIS
AGREEMENT IS AN EXTENSION OF THE AGREEMENT SET
OUT IN VAN WERT ORDINANCE NUMBER 5270-75 PASSED
OCTOBER 15, 1975.**

Be it ordained by the Council of the City of Van Wert, State of Ohio:

SECTION I.

Ohio Power Company, its successors, and assigns (hereinafter called "Grantee") 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 City of Van Wert, State of Ohio, lines for the transmission and distribution of electric energy, either by means of overhead or underground conductors, with all the necessary or desirable appurtenances and appliances, including electric substations, to render public utility service in said city and to the inhabitants thereof by supplying electric energy to said City and the inhabitants thereof, and persons or corporations beyond the limits thereof for light, heat, power, or any other purpose for which electric energy is now or may hereafter be used, and the transmission and distribution of the same within, though, or across said City of Van Wert, State of Ohio,)

SECTION II

Said lines, appurtenances and appliances shall be constructed so as to interfere as little as possible with the traveling public in its use of the streets, thoroughfares, alleys, bridges, and public places.

SECTION III

The rights, privileges, and franchises hereby granted shall not be construed to be in force and effect for a period of ten(100) years from the date of the passage of this Ordinance.

The rights, privileges, and franchises hereby granted shall not be construed to be exclusive and the Council of the City Of Van Wert, Ohio, hereby reserves the power to grant similar rights, privileges, and franchises to any other person or persons, firm or firms, corporation or corporations.

SECTION IV

Said grantee shall save the City harmless from 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.

SECTION V

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 VI

Whenever in this Ordinance, reference is made to the City 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 City, 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 City, or of said Grantee, Whether so expressed or not.

SECTION VII

The Ordinance shall be accepted by the Grantee within ninety (90) days from the date of the passage of the same.

Passed: _____, 2026

Council President, Thad R. Eikenbary

Mayor, Kenneth J. Markward

Attested by:

Clerk of Council, Stephanie R. Phillips