

RESOLUTION NO. 52-2015

Approving an Agreement and Permit for Columbia Gas of Ohio Inc., an Ohio Corporation, to Operate and Maintain a Natural Gas Distribution System Within the City of Worthington Pursuant to and Subject to the Provisions of Chapter 949 of the Codified Ordinances of the City of Worthington.

WHEREAS, Columbia Gas of Ohio, Inc. is a utility providing natural gas in the City of Worthington; and,

WHEREAS, the City of Worthington has enacted a comprehensive Right-of-Way Ordinance, Chapter 949 of the Codified Ordinances of the City of Worthington; and,

WHEREAS, City Council found the technical ability, and plan for services of Columbia Gas of Ohio acceptable; and,

WHEREAS, Columbia Gas of Ohio has held a permit to occupy and use the Right-of-way within the City for the past fifteen years; and,

WHEREAS, the authority is nonexclusive; and,

WHEREAS, Columbia Gas of Ohio has certified that the company meets the criteria of Section 949.05 of the Codified Ordinances of the City of Worthington for the issuance of a permit;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That pursuant to Chapter 949 of the Codified Ordinances of the City of Worthington, an agreement between the City of Worthington and Columbia Gas of Ohio, an Ohio Corporation, as attached hereto and made a part hereof is hereby authorized and approved and the City Manager is hereby authorized and directed to execute said agreement on behalf of the City, upon approval thereof by the Director of Law.

SECTION 2. That the Clerk of Council be and hereby is instructed to record this Resolution in the appropriate record book.

Adopted November 16, 2015

/s/ Bonnie D. Michael  
President of Council

Attest:

/s/ D. Kay Thress  
Clerk of Council

**TELECOMMUNICATIONS AND UTILITY PERMIT FOR THE USE OF PUBLIC RIGHTS-OF-WAY WITHIN THE CITY OF WORTHINGTON, OHIO**

This Agreement is executed on this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between Columbia Gas of Ohio, Inc., an Ohio corporation, (“Company”) and the City of Worthington, Ohio, an Ohio municipal corporation (the “City”) pursuant to Resolution No. \_\_\_\_\_ passed by the Worthington City Council on \_\_\_\_\_, 20\_\_.

Now, therefore, in consideration of the foregoing and of the covenants, promises and conditions hereinafter set forth it is hereby agreed as follows:

- I. That the Company, a corporation organized under the laws of the State of Ohio, its successors and assigns, is hereby granted the non-exclusive right, privilege and authority in accordance with the provisions of Chapter 949 of the Codified Ordinances of the City to acquire, construct, maintain and operate a telecommunications system and/or utility in the City in and under, above, across and along the streets, alleys, thoroughfares, public rights-of-way, public property and easements as the same now exist or may hereafter be laid out in the City, with minimum interference with the proper use of same, for the provision of all competitive telecommunications services as authorized by the Public Utilities Commission of Ohio.
- II. The Company shall construct and operate the telecommunications and/or utility system in accordance with all laws, ordinances, construction standards, governmental requirements, FCC technical standards and any other standards incorporated by reference. Nothing in this Agreement permits the Company to provide any other utility services or cable television services.
- III. The Company shall comply with the applicable requirements of Chapter 949 of the City Codified Ordinances.
- IV. The Company shall pay the annual permit fee as determined by City Codified Ordinances Section 949.07.
- V. The Company agrees that all contractors and subcontractors proposed for work on construction, installation, operation, maintenance and repair of the system shall be properly licensed under the laws of the state of Ohio and all City ordinances.
- VI. Subject to the final requirements of this Section VI, in those areas where telephone and electric services are provided by underground facilities, the Company shall place all new facilities underground. In all other areas, the Company agrees to use its Best Efforts (as defined in Chapter 949 of the City Codified Ordinances) to place all facilities in the City right-of-way underground except for equipment which is customarily placed on or above the ground in conjunction with underground transmission facilities. In addition, where the City Manager or his designee determine that such transmission facilities should not be located underground, the City Manager shall have the authority to relieve the Company of the requirement to do so. In making such a determination, the City Manager may take into account unusual circumstances or physical characteristics including but not limited to the existence of underground facilities which might interfere with the operations of the Company, topographical features or use

