

RES 92- 26

APPROVED AS TO FORM  
DEPARTMENT OF LAW

A RESOLUTION

RECOGNIZING YOUNGSTOWN THERMAL, LIMITED PARTNERSHIP, AS THE SUCCESSOR IN INTEREST TO YOUNGSTOWN THERMAL CORPORATION IN THE OPERATION OF THE FRANCHISE GRANTED PURSUANT TO ORDINANCE NO. 80-499, PASSED IN COUNCIL JUNE 25, 1980.

\* \* \*

WHEREAS, the Council and Administration of the City of Youngstown hereby recognize the Franchise granted to Youngstown Thermal Corporation pursuant to Ordinance No. 80-499, passed June 25, 1980, (copy attached hereto), as validly transferred to Youngstown Thermal, Limited Partnership (YTLP), a Delaware limited partnership, and YTLP is hereby recognized as the successor in interest to Youngstown Thermal Corporation (YTEC), in connection with YTLP's acquisition of the assets of (YTEC). YTLP is recognized as the valid holder of the Franchise until 1 June 1992 or upon the granting of a new Franchise to YTLP, whichever occurs first.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF YOUNGSTOWN, STATE OF OHIO:

SECTION 1

The Council and Administration of the City of Youngstown hereby recognize the Franchise granted to Youngstown Thermal Corporation pursuant to Ordinance No. 80-499, passed June 25, 1980, (copy attached hereto), as validly transferred to Youngstown Thermal, Limited Partnership (YTLP), a Delaware limited partnership, and YTLP is hereby recognized as the successor in interest to Youngstown Thermal Corporation (YTEC), in connection with YTLP's acquisition of the assets of (YTEC). YTLP is recognized as the valid holder of the Franchise until 1 June 1992 or upon the granting of a new Franchise to YTLP, whichever occurs first.

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SECTION 2

That the Clerk of Council is hereby instructed to forward a copy of this Resolution to Youngstown Thermal, Limited Partnership, 205 North Avenue, Youngstown, Ohio 44503.

Passed in Council this 25<sup>th</sup> day of March, 1992.

Paul V. [Signature]  
PRESIDENT OF COUNCIL

ATTEST:

Sherry A. Waver  
CITY CLERK

APPROVED: This 26<sup>th</sup> day of March, 1992.

[Signature]  
MAYOR

DR980-495

MOVED TO 2nd RD.	_____
MOVED TO 3rd RD.	_____
SUSP.	

C & A

APPROVED AS TO FORM  
*W. H. ...*  
 DEPARTMENT OF LAW

AN ORDINANCE

GRANTING TO YOUNGSTOWN THERMAL CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE AND RIGHT TO ERECT, CONSTRUCT, OPERATE, MAINTAIN AND USE THE NECESSARY PIPES, CONDUITS, VALVES AND SUCH OTHER FIXTURES AND APPLIANCES, OVERHEAD AND UNDERGROUND, AS MAY BE DEEMED BY IT OR THEM NECESSARY OR ESSENTIAL TO ENABLE IT OR THEM TO TRANSMIT AND RECOVER STEAM AND CONDENSATE OVER, THROUGH, ALONG AND UNDER THE STREETS, ALLEYS, HIGHWAYS, WAYS, SIDEWALKS AND PUBLIC PLACES OF THE CITY OF YOUNGSTOWN, OHIO, FOR THE PURPOSE OF FURNISHING CENTRAL STEAM SERVICE TO THE PUBLIC IN THE CITY OF YOUNGSTOWN, STATE OF OHIO; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW.

WHEREAS, Youngstown Thermal Corporation intends to acquire the central steam service plant and distribution system of Ohio Edison Company for the purpose of furnishing central steam service to the public in the City of Youngstown, State of Ohio; and

WHEREAS, the City of Youngstown wishes to grant to Youngstown Thermal Corporation the franchise and right to furnish its central steam service to the public, pursuant to Section 715.34 of the Ohio Revised Code.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF YOUNGSTOWN, STATE OF OHIO:

SECTION 1

That the Youngstown Thermal Corporation, its successors and assigns, is hereby granted the franchise and right to erect, construct, operate, maintain and use the necessary pipes, conduits, valves and such other fixtures and appliances, overhead and underground, as may be deemed by it or them to be necessary or essential to enable it or them to transmit and recover steam and condensate over, through, along and under the streets, alleys, highways, ways, sidewalks and public places of the City of Youngstown, Ohio, for the purpose of furnishing central steam service to the public in the City of Youngstown, State of Ohio.

SECTION 2

That the location of all new pipes, conduits and such other fixtures and appliances as may be deemed by Youngstown Thermal Corporation to be necessary or essential to enable it to furnish its central steam service shall be done by Youngstown Thermal Corporation, its successors and assigns, upon permits issued by the Deputy Director of Public Works of the City of Youngstown; whenever it shall be necessary for Youngstown Thermal Corporation to make excavations in connection with the construction, operation and maintenance of its steam distribution system in, along, over, under, across and upon the streets, alleys, or public grounds in the City of Youngstown, such work shall be performed in such manner as to impede as little as possible travel on said streets, and as approved by the City of Youngstown; and Youngstown Thermal shall leave all highways, streets, alleys and public grounds, including sidewalks, upon which it may enter for the purposes herein authorized, in as good condition as they were at the time said excavation and work was started.

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SECTION 3

That the Youngstown Thermal Corporation, its successors and assigns, shall protect and indemnify the City of Youngstown against any and all claims for damages which may in any way arise from the exercise of the rights and privileges herein granted.

SECTION 4

That the City of Youngstown shall protect and indemnify Youngstown Thermal Corporation, its successors and assigns, against any and all demands resulting from any activity of the City of Youngstown and affecting the rights and privileges herein granted to the Youngstown Thermal Corporation.

SECTION 5

That the Youngstown Thermal Corporation shall, within thirty (30) days from the passage and legal publication of this Ordinance, file with the City Clerk a written acceptance of the terms and conditions of this Ordinance pursuant to Section 4909.34 of the Ohio Revised Code.

SECTION 6

That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this 25<sup>TH</sup> day of JUNE, 1980.

*Michael M. ...*  
PRESIDENT OF COUNCIL

ATTEST:

*William A. ...*  
CLERK

APPROVED: This 27 day of

JUNE, 1980.  
*George ...*  
MAYOR

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