

ORDINANCE NO. 269(C)

AN ORDINANCE GRANTING A NATURAL GAS PIPELINE EASEMENT TO LEGACY PIPELINE SERVICES, LLC (LEGACY)

WHEREAS, the Council for the Village of North Lewisburg, Ohio, has determined that it is in the best interests of the Village residents to have available the opportunity to obtain natural gas service to their properties, declaring an emergency; and

WHEREAS, North Lewisburg Natural Gas Cooperative ("Cooperative"), has been incorporated as an Ohio non-profit corporation to serve as a member-owned natural gas cooperative covering a geographic area which includes the Village; and

WHEREAS, Legacy Pipeline Services, LLC ("Legacy") will serve as the manager of, and construction contractor for, the Cooperative and, to allow for the construction of the required pipeline system necessary to serve the Village, has requested a perpetual natural gas pipeline easement to permit it to install pipeline within the rights-of-way of the Village's roads, which easement would be exclusive; and

WHEREAS, upon substantial completion of construction allowing for commencement of service, said easement shall be transferred from Legacy to the Cooperative for management of the pipeline system; and

Whereas, Council has determined that the grant of such perpetual natural gas pipeline easement is in the best interests of the residents of the Village and that such easement be granted.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of North Lewisburg, Ohio two-thirds (2/3) of all members elected thereto concurring:

1. Legacy Pipeline Services, LLC, its successors and assigns is hereby granted an exclusive perpetual easement and right-of-way through and under streets, avenues, alleys, lanes, sidewalks and other public property and places within the Village for the purpose of constructing, maintaining, operating and removing one or more lines of gas main and branch pipe, drips, meters, regulators and other devices and facilities convenient to the operation of such line and pipes in the conducting, supplying and delivery of natural gas to the members thereof within the Village and in surrounding geographic areas. All public and private property disturbed in said construction or operation shall be repaired within 45 days of completion of work, weather permitting, to reasonable Village specifications at the expense of Legacy or the Cooperative.

2. In the work of laying, removing, changing or repairing its pipes, said Legacy, shall not unreasonably injure or interfere with or change any existing arrangements, such as sewers and water lines already laid or hereafter to be laid in the Village and any such damage or injury shall promptly be repaired by and at the cost of Legacy. This grant of easement shall be expressly conditioned upon Legacy's and, after the transfer to the Cooperative, the Cooperative's agreement that it shall, at all times, hold and save the Village harmless from any and all damages to the person or property of any individual, company, partnership or corporation, occurring by reason of or growing out of the use and occupancy of the streets, avenues, lanes, alleys, sidewalks and other public property within the Village for said construction or operation.

3. This grant of easement shall be expressly conditioned upon Legacy obtaining a performance bond adequate to ensure the completion of the work, such bond amount not to be less than \$100,000.00, and upon Legacy constructing the pipeline system in accordance to the U.S. Department of Transportation Pipeline and Hazardous Material Safety Administration (PHMSA) Standard 49 CFR Part 192.

4. This easement and the rights granted hereunder shall terminate and become null and void in the event Legacy its successors or assigns fail to break ground for the purposes so intended within thirty-six (36) months of the effective date of this Ordinance.

5. This Ordinance is immediately necessary to grant said easement in order to maximize the likelihood that natural gas service shall be made available to the Village's residents and businesses within the term of this agreement.

6. Upon the substantial completion of construction of the pipeline system for commencement of delivery of natural gas to members of the Cooperative, Legacy shall assign the exclusive perpetual easement to the Cooperative for the management of the system pursuant to the terms and conditions of the Management Agreement, made by the cooperative and Legacy, which agreement is attached hereto as Exhibit "A".

7. The Village represents that upon signing, this Ordinance shall be in proper and legal form and substance to be effective and binding. The Village further agrees that a copy of this Ordinance may be recorded in the appropriate property records to memorialize the grant of this easement.

WHEREFORE, this Ordinance shall take effect and be in full force from and after its passage by Council and approval by the Mayor.

PASSED: 10/10/23
Date

Mum Bell
President of Council

ATTEST: *Jennifer McCombs*
Clerk of Council

APPROVED: *Tad Murphy*
Mayor

1ST Reading 8/15/23
2ND Reading 9/12/23
3RD Reading 10/10/2023