

progressive numbers, or described by the squares in which situated, and the precise length and width shall be given of such lot sold, or intended for sale. Such map or plat shall be subscribed by the proprietor, or his agent duly authorized in writing, acknowledged before an officer authorized to take the acknowledgment of deeds, who shall certify the acknowledgment of the instrument; and recorded in the office of the County Recorder.

SECTION 99. FEE SHALL VEST IN CITY.

The map or plat so recorded shall thereupon be a sufficient conveyance to vest in the City the fee of the parcel or parcels of land designated or intended for streets, alleys, ways, commons, or other public uses, to be held in the corporate name in trust to and for the uses and purposes in the instrument set forth, expressed, designated or intended.

SECTION 100. PLATTING COMMISSIONERS.

(Repealed by Voters 11-8-55)

SECTION 101. EFFECT OF SUCH PLATTING.

(Repealed by Voters 11-8-55)

SECTION 102. STREETS AND PUBLIC GROUNDS.

The Council shall provide for the care, supervision, control and improvement of public highways, streets, avenues, alleys, sidewalks, public grounds, bridges, aqueducts, and viaducts, within the City, and shall cause them to be kept open, in repair and free from nuisance.

SECTION 103. ALTERATION OF STREETS.

When it deems it necessary the Council may cause any street, alley, or public highway to be opened, straightened, altered, diverted, narrowed, or widened.

SECTION 104. DEDICATION OF STREETS.

No street or alley dedicated to public use by the proprietor of ground in the City shall be deemed a public street or alley, or under the care or control of the Council, unless the dedication is accepted and confirmed by ordinance passed for such purpose.

SECTION 105. VACATION OR CHANGE OF NAME.

The Council vacating any street or part of street or changing the name of any street may include in one ordinance the change of name or the vacation or narrowing of more than one street, avenue, or alley, but before vacating any street or part thereof, or narrowing any street, the Council shall first pass a resolution declaring its intention so to do. The Clerk of the Council shall cause notice of such declaration to be served in the manner that service of summons is required to be made upon all persons whose property abuts upon the part of the street affected by the proposed vacation or narrowing and by publication once in one newspaper of general circulation in the City as to all the persons who cannot be personally served. Said notice shall state the time and place when objections can be heard before the Board of Revision of Assessments. Upon the report by the Board of Revision of

Assessments approving the proposed vacation or narrowing, the Council may by ordinance declare such vacation or narrowing, and such order of Council vacating or narrowing a street or alley which has been dedicated to public use by the proprietor, shall to the extent to which it is vacated or narrowed operate as a revocation of the acceptance thereof by Council, but the right of way and easement therein of any lot owner shall not be impaired thereby.

SECTION 106. TAXATION.

The Council shall levy taxes within the limitations provided by law for the purpose of paying the expense of constructing improvements and exercising powers of the City.

APPROPRIATION OF PROPERTY

SECTION 107. APPROPRIATION.

Property within the corporate limits of the City may be appropriated for any public or Municipal purpose, and subject to the limitations thereon imposed by the Constitution of the State, such appropriation shall be made in the manner herein provided. By such appropriation the City may acquire a fee simple title or any less estate, easement or use. Appropriation of property located outside the corporate limits of the City shall be made according to the requirements of, and in the manner provided by the general law.

SECTION 108. DECLARATORY RESOLUTION.

When it is deemed necessary to appropriate property the Council shall adopt a resolution declaring such intent, defining the purpose of the appropriation, setting forth a pertinent description of the property, and the estate or interest therein desired to be appropriated.

SECTION 109. NOTICE.

Immediately upon the adoption of such a resolution, for which but one reading shall be necessary, the Clerk of the Council shall cause written notice thereof to be given to the owner, person in possession thereof, or having an interest of record in, every piece of land sought to be appropriated, or to his authorized agent, and such notice shall be served by a person designated for the purpose, and return made in the manner provided by law for the service and return of summons in civil actions. If such owner, person, or agent, cannot be found, notice shall be given by publication once a week for three consecutive weeks in a newspaper of general circulation in the City, and the Council may thereafter pass an ordinance directing such appropriation to proceed.

SECTION 110. FURTHER PROCEEDINGS.

Upon the passage of such ordinance the Director of Law shall make application to a court of competent jurisdiction or to a judge thereof in vacation, which application shall describe as correctly as possible the land or other property to be appropriated, the interest or estate therein to be taken, the object for which the land is desired, and the name of the owner or each lot or parcel thereof, and all the subsequent proceedings with regard thereto shall be in the manner provided by general law for the appropriation of property by municipal corporations in this State.

FRANCHISES**SECTION 111. GRANT.**

The Council may, by ordinance, grant permission to any individual, company or corporation to construct and operate a public utility in the streets and public grounds of the City but not for a period exceeding twenty years. It may prescribe in the ordinance the kind and quality of service or the product to be furnished, the rate or rates to be charged therefor, and any terms and conditions conducive to the public interest; and also the manner in which the streets and public grounds shall be used and occupied. And no franchise shall be considered an emergency measure and shall be subject to referendum as hereinbefore provided.

SECTION 112. RENEWALS.

The Council may, by ordinance, renew any grant for the construction or operation of any utility, at its expiration, upon such terms as may be conducive to the public interest. All such grants and renewals thereof shall reserve to the City the right to purchase all the property of the utility in the streets and highways and elsewhere used in, or useful for, the operation of the utility, at a price either fixed in the ordinance, or to be fixed in the manner provided by the ordinance making the grant or the renewal of the grant. Nothing in such ordinance shall prevent the City from acquiring the property of any such utility by condemnation proceedings or in any other lawful mode; but all such methods of acquisition shall be alternative to the power of purchase, reserved in the grant or renewal as hereinbefore provided.

No ordinance making such grant or renewal shall be valid unless it shall expressly provide therein that the price to be paid by the City for the property that may be required by it from such utility, by purchase, condemnation or otherwise, shall exclude all value of such grant or renewal.

Upon the acquisition by the City of the property of any utility by purchase, condemnation or otherwise, all grants or renewals shall at once terminate.

SECTION 113. EXTENSION GRANT.

The Council may, by ordinance, grant to any individual, company or corporation operating a public utility, the right to extend the appliances and service of such utility. All such extensions shall become a part of the aggregate property of the utility and shall be subject to all the obligations and reserved rights in favor of the City applicable to the property of the utility by virtue of the ordinance providing for its construction and operation. The right to use and maintain any such extension shall expire with the original grant of the utility to which the extension was made or any renewal thereof.

SECTION 114. NO EXCLUSIVE GRANT.

No rights to construct, maintain, or operate any public utility in the City of Ashland shall be exclusive.

SECTION 115. CONSENTS.

No consent of the owner of property abutting on any highway or public ground shall be required by the Council as a condition of its authority to authorize the construction, extension, maintenance, or operation of any public utility by original grant or renewal, unless such public utility is of such a character that its construction or operation is an additional burden upon the rights of the property owners in such highways or public grounds.

SECTION 116. REGULATIONS.

The Council shall at all times control the distribution of space in, over, under or across all streets or public grounds occupied by public utility fixtures. All rights granted for the construction and operation of public utilities shall be subject to the continuing right of Council to require such reconstruction, relocation, change or discontinuance of the appliances used by the utility in the streets, alleys, avenues, and highways, of the City, as shall in the opinion of the Council be necessary in the public interest.

GENERAL PROVISIONS**SECTION 117. OFFICIAL BONDS.**

The Council in fixing the salary of any officer, clerk or employee shall determine whether such officer, clerk, or employee shall give a bond, the amount thereof, which bond shall be given by such officer, clerk or employee with security to the approval of the Mayor and Council and be then filed with the Director of Finance and Public Record.

SECTION 118. CONTINUANCE OF PRESENT OFFICERS.

All persons holding office at the time this Charter goes into effect shall continue in office and in the performance of their duties until provision shall have been otherwise made in accordance with this Charter for the performance or discontinuance of the duties of any such office. When such provision shall have been made the term of any such officer shall expire and the office be deemed abolished. The powers which are conferred and the duties which are imposed upon any officer, commission, board or department of the City under the laws of the State shall, if such office or

department is abolished by this Charter, be thereafter exercised and discharged by the officer, board or department upon whom are imposed corresponding functions, powers and duties hereunder.

SECTION 119. CONTINUANCE OF REGULATIONS.

All ordinances, resolutions and rules of departments in force at the time of the taking effect of this Charter, not inconsistent with its provisions, shall continue in force until amended or replaced.

SECTION 120. OATH OF OFFICE.

Every officer of the City shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation, to be filed and kept in the office of the Director of Finance and Public Record, that he will in all respect faithfully discharge the duties of his office.

SECTION 121. INTEREST IN CONTRACT OR SUPPLIES.

No officer or employee of the City shall have a personal interest, direct or indirect, in any contract with the City or be personally interested, directly or indirectly, in the sale to the City of any supplies, material, service or land, except on behalf of the City as an officer or employee. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee found guilty thereof shall thereby forfeit his office.

SECTION 122. CONTINUANCE OF CONTRACTS.

(EDITOR'S NOTE: This section is no longer effective since it applied to contracts undertaken prior to adoption of the Charter.)

SECTION 123. AMENDMENTS.

Amendments to this Charter shall be made in accordance with the provisions of Article XVIII, Section 9 of the Constitution of the State of Ohio.

(Approved by Voters 5-7-74)

SECTION 124. WHEN CHARTER TAKES EFFECT.

For the purpose of electing officers and exercising the powers of the City as provided herein, this Charter shall take effect from the time of its approval by the electors of the City. For the purpose of establishing departments, divisions and offices, and distributing the functions thereof, and for all other purposes it shall take effect on the first day of January, 1916.