

## CITY OF URBANA

## ELECTRIC FRANCHISE ORDINANCE

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE GRANTING THE RIGHT, PERMISSION AND AUTHORITY TO ILLINOIS POWER COMPANY, AN ILLINOIS CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, MAINTAIN AND OPERATE IN THE CITY OF URBANA, COUNTY OF CHAMPAIGN, STATE OF ILLINOIS, A SYSTEM FOR THE MANUFACTURE, TRANSMISSION, DISTRIBUTION AND SALE OF ELECTRIC ENERGY FOR LIGHTING, HEATING AND POWER PURPOSES.

WHEREAS, ILLINOIS POWER COMPANY, an Illinois Corporation, hereinafter designated as "Grantee", has petitioned the CITY COUNCIL of the CITY OF URBANA, hereinafter also designated as "Municipality", asking that the right, permission and authority be granted to it, its successors and assigns, by ordinance, to construct, maintain and operate a system for the manufacture, transmission, distribution and sale of electric energy for lighting, heating, and power purposes within the corporate limits of the Municipality as presently established or as may hereafter be extended, and

WHEREAS, Grantee has duly complied with all ordinances of the Municipality with reference to the obtaining of such right, permission and authority; and Municipality and Grantee have agreed upon the terms, provisions and considerations herein set forth.

NOW THEREFORE, BE IT ORDAINED by the CITY COUNCIL of the CITY OF URBANA, COUNTY OF CHAMPAIGN, STATE OF ILLINOIS:

1. That for the mutual and other valuable considerations as herein provided, the right, permission and authority to construct, maintain and operate a system for the manufacture, transmission, distribution and sale of electric energy for lighting, heating and power purposes in the Municipality is deemed to be to the best interests of the Municipality and the Public.
2. That the right, permission and authority be, and the same are hereby granted to Grantee, to construct, maintain and operate in the CITY OF URBANA, a Municipal Corporation organized and existing under and by virtue of the laws of the State of Illinois, a system for the manufacture, transmission, distribution and sale of electric energy for lighting, heating and power purposes. The Grantee may construct, maintain and operate all necessary poles, conductors, conduits and apparatus necessary or convenient for such system in, upon, over, across and under each and all of the streets, alleys, avenues, bridges and other public places, and may trim trees, under the supervision of the City, where essential to the operation of said utility, in said Municipality as it may at any time exist, subject to the conditions and regulations hereinafter set forth.

3. That all poles, conductors, conduits and apparatus erected or placed under this grant shall be located in streets or alleys whenever practicable so to do, and shall be so located, whether in streets, alleys, avenues, bridges or other public places, as not to interfere unnecessarily with travel on such streets, alleys, avenues, bridges or other public places, and shall be erected and placed under the supervision of the Public Works Committee of the Municipality or under such supervision as Municipality may from time to time provide. All poles erected under this Ordinance shall be not less than twenty-five (25) feet in length, and all poles and conduits, shall be so located as not to injure unnecessarily any pavements, drains, sewers, catch basins, water pipes or other like improvements, but should any pavement or any drain, sewer, catch basin, water pipe, or other like improvement be injured by such location, Grantee shall forthwith repair the damage caused by said injury, to the satisfaction of said Public Works Committee. All abandoned poles shall be removed as soon as the service is discontinued. All poles shall be set in straight lines so far as possible, and all overhead wires, conductors and cables shall, so far as possible, be kept at least eighteen (18) feet above the level of the ground.
4. That when any street, avenue, alley, bridge or public place, upon which or in which any poles and conduits of Grantee have been placed, shall be graded, curbed, paved or otherwise changed so as to make the resetting or reconstruction or such poles and conduits necessary, Grantee, its successors or assigns shall make such necessary change in construction at its expense. Should it become necessary or should the Grantee desire to use conduits or other similar fixtures, Grantee shall make application to the Municipality for the establishment of permanent grades and such conduits or other similar fixtures shall not be installed until such permanent grades have been established. The Municipality agrees to establish promptly such permanent grades upon such application.
5. That the rates to be charged by the Grantee and the rules and regulations to govern the furnishing of service shall be in accordance with those on file with the Illinois Commerce Commission.
6. That, as further consideration for the right, permission and authority provided by this Ordinance, so long as Grantee during the term hereof shall exercise such right, permission and authority and shall furnish Municipality's entire street lighting requirements, Grantee shall furnish free of charge to the Municipality electric street lighting service, as herein provided:
  - a. The quantity of electric energy to be furnished free of charge hereunder, for street lighting purposes during any month following the effective date of this ordinance shall be the number of kilowatt hours determined by dividing by two (2) the total number of kilowatt hours furnished by Grantee and used by Municipality for street lighting purposes during such month.
  - b. In the event that the Municipality's street lighting service requirements shall consist of street lamps of a type, size and burning schedule as furnished by Grantee under the standard street lighting schedules, then effective, and such service is being furnished by the Grantee to the Municipality pursuant to an electric Street Lighting Contract Ordinance, the number of electric street

lamps to be furnished free of charge hereunder during any month following the effective date of the Street Lighting Contract Ordinance shall be determined by dividing by two (2) the total number of street lamps furnished by Grantee and used by Municipality for street lighting purposes during such month, providing that the number of such free street lamps shall at all times be proportioned the same as to type, size and burning schedule as the lamps furnished by the Grantee and in service pursuant to said Street Lighting Contract Ordinance.

- c. In the event that the Municipality's Street Lighting Service requirements comprise both types of service as described in Sections a and b hereof, then in that event, the amount of free electric street lighting service for such periods shall be computed respectively as provided for each class of service and the sum of the two computations shall be the amount of the free electric street lighting service for such period.
7. That all poles, conductors, conduits and equipment placed in the streets or public places in the Municipality shall be exempt from any special tax, assessment, license or rental charge during the term of this Ordinance.
8. That Grantee, during the term of this Ordinance, shall maintain in Municipality, a business office open to the public for nine hours each day, except Saturdays, Sundays and Holidays, or such other hours as may from time to time constitute a working day for comparable business establishments in Municipality.
9. That all rights and privileges granted by this Ordinance are granted for the term of Fifty (50) years from and after the acceptance of this Ordinance as hereinafter provided.
10. That a certain ordinance entitled, "AN ORDINANCE, GRANTING THE RIGHT, PERMISSION AND AUTHORITY TO ILLINOIS POWER COMPANY, AN ILLINOIS CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, MAINTAIN AND OPERATE IN THE CITY OF URBANA, COUNTY OF CHAMPAIGN, STATE OF ILLINOIS, A SYSTEM FOR THE MANUFACTURE, TRANSMISSION, DISTRIBUTION AND SALE OF ELECTRIC ENERGY FOR LIGHTING, HEATING AND POWER PURPOSES", passed by the City Council of said City of Urbana, County of Champaign, State of Illinois, the 3rd day of December A.D., 1945, and approved by the Mayor of said City of Urbana, Illinois, on the 4th day of December, A.D., 1945, be and the same is hereby repealed and of no further force and effect.
11. That after the passage and approval of this Ordinance and within sixty (60) days after such approval, this Ordinance shall be accepted by Grantee by its filing with the Clerk of Municipality, an unconditional written acceptance thereof. Failure of Grantee to so accept this Ordinance within said period of time shall be deemed a rejection thereof by Grantee and the rights and privileges herein granted shall, after the expiration of said period of sixty (60) days, if not so accepted, absolutely cease and determine, unless said period of time shall be extended by Ordinance duly passed for that purpose.

12. That all provisions of this Ordinance which are obligatory upon or which inure to the benefit of ILLINOIS POWER COMPANY, shall also be obligatory upon and shall inure to the benefit of all successors and assigns of ILLINOIS POWER COMPANY and the word "Grantee" wherever used in this Ordinance shall include and be taken to mean not only ILLINOIS POWER COMPANY but all successors and assigns of ILLINOIS POWER COMPANY.

PASSED by the CITY COUNCIL of said CITY OF URBANA, COUNTY OF CHAMPAIGN, STATE OF ILLINOIS, this 6<sup>TH</sup> day of *JANUARY* A.D., 1969

APPROVED by the MAYOR of said CITY OF URBANA, COUNTY OF CHAMPAIGN, STATE OF ILLINOIS, this 6<sup>TH</sup> day of *JANUARY* A.D., 1969

*Stanley B. Deaver*  
Mayor

SEAL

ATTEST:

*Duane E. Smith*  
City Clerk

ACCEPTANCE OF ELECTRIC FRANCHISE ORDINANCE

To the Mayor and City Council of the City of  
Urbana, Champaign County, Illinois.

The Illinois Power Company, for itself, its successors and assigns, hereby accepts in writing, the Ordinance and all rights and privileges therein granted, passed by the City Council of the City of Urbana, Illinois on the 6th day of January, 1969, and approved by the Mayor of said City on the 6th day of January, 1969

designated as Ordinance No. -, and entitled: "AN ORDINANCE GRANTING THE RIGHT, PERMISSION AND AUTHORITY TO ILLINOIS POWER COMPANY, AN ILLINOIS CORPORATION, ITS SUCCESSORS AND ASSIGNS TO CONSTRUCT, MAINTAIN AND OPERATE IN THE CITY OF URBANA, COUNTY OF CHAMPAIGN, STATE OF ILLINOIS, A SYSTEM FOR THE MANUFACTURE, TRANSMISSION, DISTRIBUTION AND SALE OF ELECTRIC ENERGY FOR LIGHTING, HEATING AND POWER PURPOSES.

This acceptance is executed and filed as provided in Section 11 of said Ordinance and said Company hereby agrees to all the terms and conditions of said Ordinance.

Dated at Monticello, State of Illinois, this 23<sup>rd</sup> day of January, 1969.

ILLINOIS POWER COMPANY

Attest:

A. Mink  
 Secretary

By

K. K. K.  
 Assistant to the President

STATE OF ILLINOIS)  
 COUNTY OF CHAMPAIGN) ss.  
 CITY OF URBANA)

I, DUANE ECKERTY Clerk of the City of Urbana, State of Illinois, do hereby certify that the foregoing is a true and correct copy of acceptance of Ordinance No. -, of the City of Urbana as therein described, the original of which acceptance was filed in the office of the Clerk of said City on the 27<sup>th</sup> day of Jan 1969, and is now recorded among the original records thereof and that I am keeper of the same.

Witness my hand and the official seal of said City this 27<sup>th</sup> day of January, 1969.

Duane Eckerty

City Clerk

(SEAL)