

ORDINANCE NO. 8485-64

AN ORDINANCE
AUTHORIZING AND APPROVING AN INTERIM
AGREEMENT WITH NORTHERN ILLINOIS WATER CORPORATION

WHEREAS, on January 22, 1912, the City Council of the City of Urbana, Illinois, (the "City") duly passed "An Ordinance Providing For A Supply Of Water To The City Of Urbana And Its Inhabitants, Fixing The Rate And Charges For The Same, And Authorizing 'The Champaign And Urbana Water Company' Its Successors And Assigns To Construct And Maintain Water Works And Distributing System For Said Supply In Said City And Giving Said City Option To Purchase Said Works", which such Ordinance was duly approved by the Mayor on January 25, 1912, (the "Original Franchise Ordinance"); and

WHEREAS, pursuant to Section 1 of the Original Franchise Ordinance, the right, privilege, authority and franchise was thereby given and granted by the City to the Champaign-Urbana Water Company, its successors and assigns, for a period of thirty (30) years from and after the date of the passage of that Original Franchise Ordinance; and

WHEREAS, the Northern Illinois Water Corporation (the "Company") is now the successor and assignee of the Champaign-Urbana Water Company; and

WHEREAS, while the Original Franchise Ordinance expired by its terms after thirty (30) years, the City and the Company have continued to observe the terms and conditions of the principal features of the Original Franchise Ordinance, each giving or extending to the other the same consideration required by such terms and conditions of the Original Franchise Ordinance, including, more particularly, the annual rental per hydrant as provided in Section 23, as so reduced by the amount as provided in Section 8, of the Original Franchise Ordinance, which such amount, pursuant to such terms thereof, has required a payment by the City to the Company in an amount equal to \$20.00 per per hydrant per annum for all fire hydrants located on mains owned by the Company and located within the right-of-way of the City in the corporate limits of the City; and

WHEREAS, Section 33.1 of the Public Utilities Act (the "Act") (Ill.Rev.Stats. ch. 111 2/3, §33.1), which becomes effective July 1, 1985, provides, in part, that the Illinois Commerce Commission may authorize any public utility engaged in the production, storage, transmission, sale or delivery, or furnishing of water to impose a fire protection charge in addition to any rate authorized by the Act sufficient to cover a reasonable portion of the cost of providing the capacity facilities and the water necessary to meet the fire protection needs of any municipality, which such fire protection charge shall be in the form of a fixed amount per bill and shall be

shown separately on the utility bill of each customer of the municipality, but that no such fire protection charge shall be imposed directly on any municipality unless provided for in a separate agreement between the municipality and the utility; and

WHEREAS, both the City and the Company recognize the need to express formally and in writing, in lieu of the Original Franchise Ordinance, such new terms and conditions of an amended franchise agreement as may later be agreed upon between the City and the Company but, in compliance with the Order of the Commission in Docket No. 85-0007, have both determined to enter into this interim agreement to provide, among other things, for such fire protection charge as may be imposed directly upon the City for a reasonable level of fire protection services until an amended franchise agreement can otherwise be negotiated, agreed upon, and executed by both the City and the Company.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That the City Council hereby authorizes and approves the continued observance by the City and the Company of the terms and conditions of the principal features of the Original Franchise Ordinance, including, but not limited to, a continuation of the annual rental per hydrant as so provided in said Original Franchise Ordinance, which such amount, pursuant to such terms thereof, shall require a payment by the City to the Company in an amount equal to \$20.00 per hydrant per annum for all fire hydrants located on mains owned by the Company and located within the right-of-way of the City in the corporate limits of the City.

Section 2. This interim agreement by and between the City and the Company, as so authorized and approved by this Ordinance, shall be in effect upon written acceptance thereof by the Company and shall remain in effect until an amended franchise agreement is negotiated, agreed upon and accepted by both the City and the Company, or until January 1, 1986, whichever is the earlier date.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this 18th day of March, 1985.

Ruth S. Brookens
Ruth S. Brookens, City Clerk



1985.

APPROVED by the Mayor this 25th day of March,


Jeffrey T. Markland, Mayor