

ORDINANCE NO. 419

**VILLAGE OF BELLEVUE, ILLINOIS  
AN ORDINANCE GRANTING A FRANCHISE TO  
CENTRAL ILLINOIS LIGHT COMPANY**

WHEREAS, Central Illinois Light Company, an Illinois corporation, has applied to the Village of Bellevue, Peoria County, Illinois, for a franchise under which to construct, operate and maintain a gas distribution system in and adjacent to the Village of Bellevue; and

WHEREAS, under suitable terms and provisions it is deemed proper to grant a franchise to supply gas for light, heat and power throughout the Village of Bellevue for public and private needs and to grant said Company the right to use and occupy the streets, alleys, sidewalks and public grounds within the control of said Village and within the present and future corporate limits.

THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BELLEVUE, PEORIA COUNTY, ILLINOIS:

**Section I:** That the right, privilege and authority is hereby granted to Central Illinois Light Company, (hereinafter called Grantee), a corporation organized under the laws of the State of Illinois and to its successors and assigns, to establish, maintain and operate within the Village of Bellevue, Peoria County, Illinois, a system or systems and connections with other plants or systems to furnish, sell, distribute, and deliver and dispose of gas for light, heat, power and for any other purposes for which such gas may prove to be adaptable to the Village of Bellevue, and to the residents and others in and adjacent to said Village of

Bellevue, and to the public generally and to that end there is hereby granted to said Grantee, its successors and assigns, the right to enter into and upon and use the streets, avenues, alleys and public grounds to construct, lay, establish, erect, maintain and operate underground pipes, regulator pits and all necessary appliances or devices that may prove adaptable for containing, carrying, distributing and operating gas through, in, along, under and across the streets, avenues, lanes, alleys and public places within the present as well as the future corporate limits of the Village of Bellevue, Peoria County, Illinois, for the purpose of furnishing light, heat and power to said Village of Bellevue and to the residents and others in said Village of Bellevue and the surrounding and other territory and to the public generally, with the right and privilege to re-enter from time to time for the making of such additions, extensions, connections, repairs, renewals and alterations as may be necessary for the proper maintenance and operation of said system or systems and provided always that such powers are exercised subject to all restrictions in this ordinance contained.

It is expressly understood and agreed that the power and authority hereby granted shall not authorize or permit said Grantee, its successors and assigns, at any time to enter upon, molest or interfere with any private property or to mutilate, remove or destroy any tree, shrub or bush on private property, without express authority from the owner thereof.

**Section II:** The rates to be charged for the supplying of gas for light, heat, power or other purposes as herein contemplated shall be such as may be established from time to time by the Illinois Commerce Commission, the Federal Energy Regulatory Commission, other governmental entities of competent jurisdiction, or as otherwise provided by applicable federal or state law. In the event that the Illinois Commerce Commission is abolished, the rates shall be such as the law may thereupon or thereafter provide.

If, at any time, the Village shall, by ordinance or otherwise, impose any occupation tax, license, inspection fee, rental or occupation charge or imposition against the said Grantee on account of the use by it of any space in any street, alley or public place, for its mains, services, regulators or other appliances in connection with the gas distribution system, then and in such event, the rates for gas service to the Village of Bellevue and individual customers shall be proportionately increased by an amount equal to the sum total of any such tax, license, inspection fee, rental or occupation charge or any other charge or imposition made against said Grantee and by it paid in any year; the sum total of such tax, license, inspection fee, rental or occupation charge or any other charge or imposition to be divided by the total sales of gas hereunder in any year in determining such increase in rate. If and when such occupation tax, license, inspection fee, rental or occupation charge or any other charge or imposition is levied, Grantee shall file, if required, with the Illinois Commerce Commission, the Federal Energy Regulatory Commission, or other

governmental entities of competent jurisdiction, its proposed increase in rate or rates.

Section III: In laying, establishing and maintaining said system there shall be the minimum feasible obstruction to the use of the highways for travel, and excavations shall remain open for the minimum feasible time commensurate with good and efficient work, and the Grantee shall restore said highways as nearly as possible to the condition in which it found the same and any loss or damage which may arise or be caused to any person or property by reason of the Grantee's want of care shall be borne by the Grantee, and the Grantee shall hold the Village of Bellevue harmless in every and all respects from any damage, loss or liability resulting from any act of the Company or its agents or from the conduct of the business. The location of the pipes, mains and other appliances in the streets or other public places of the Village shall be subject to the approval of the Superintendent of Streets or other duly authorized agent of the Board of Trustees designated for that purpose from time to time. Said pipes, mains and other appliances in the streets of said Village shall be so located as not to injure drains, sewers, catch basins or other property of the Village, and if any such are damaged, they shall be repaired by the Grantee, such repair to be subject to the approval of the Superintendent of Streets or other duly authorized agent of the Village.

As long as the Grantee exercises the rights granted to it by this Ordinance, the Village will not, by ordinance or otherwise, vacate any street, alley, or public way, in which the Grantee has pipes, mains, regulator equipment, or other structures installed without reserving the easement rights of the Grantee in and to the street, alley or public way to be vacated.

Section IV: The Grantee shall install its underground pipes and other necessary appliances or devices for containing, carrying and distributing the gas through the streets, alleys and public places or highways of said Village in the usual manner and so as to give efficient service to its customers, and the manner in which such underground pipes and appliances or devices are laid shall be under the direction of the Superintendent of Streets. Grantee agrees that it will furnish the Village Board revised maps showing size and location of all mains laid in public streets and alleys as the main system is extended or changed.

Section V: The annual gas franchise payment shall be an amount equal to the sum of 8.0¢ per therm plus the average retail base rate price per therm of gas, stated in cents, multiplied by 10 therms per active meter within the Village limits as of December 31. The average retail base rate price per therm of gas shall be determined by subtracting the Grantee's total annual cost of gas from the total annual gas revenues and dividing the difference by the total annual therms sold at the close of business on December 31 each year.

The annual gas franchise payment shall be paid in one

installment to be paid by February 1 of each year for the years during which this ordinance is in effect. Should the Grantee be delinquent on payments herein provided, the Village may deduct the arrears from the Village's payment to be made to the Grantee for services rendered. Should the Village be delinquent in payment for service rendered by the Grantee the Grantee may credit the Village's account with payments provided for herein.

**Section VI:** The Grantee, its successors and assigns, may, at any time, make and enforce, as a part of the conditions upon which it will furnish gas for light, heat and power or for any other purposes for which said service may prove to be adaptable in said Village of Bellevue, such lawful rules and regulations as are not inconsistent with the terms and provisions of this ordinance or any other ordinance or ordinances in the Village of Bellevue.

**Section VII:** The Village of Bellevue expressly reserves all of its police power to adopt general ordinances necessary to protect the safety and welfare of the general public in relation to the rights hereby granted not inconsistent with the provisions of this ordinance and the laws of this state; and this Ordinance shall expressly be subject to all Ordinances of the Village including, without limitation, Ordinances No. 274, 286 and 417.

**Section VIII:** Grantee agrees to operate said gas system in conformity with the regulations, requirements and specifications of the Illinois Commerce Commission as the same may be hereafter amended or modified, and to comply with all the lawful regulations and orders of said Illinois Commerce Commission or any successor of

said Commission that may be vested by law with the regulation of utilities, pertaining to gas service in the Village of Bellevue.

**Section IX:** The franchise hereby granted, and all the terms and provisions thereof, shall extend to and be binding upon the Grantee, its successors and assigns.

**Section X:** This ordinance will remain in full force and effect for fifty (50) years from the date of its final passage by the President and Board of Trustees of the Village of Bellevue, Peoria County, Illinois, provided that the Grantee accepts such franchise ordinance in writing within thirty (30) days after its passage.

**Section XI:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed as of the effective date of this ordinance.

Passed in open council this 10 day of April, 1995.

VILLAGE OF BELLEVUE,  
PEORIA COUNTY, ILLINOIS

By: Laurel Howard  
Its President

ATTEST:

By: Carol S. Howard  
Village Clerk

Bellevue, Illinois April 10, 1995



To the President and  
Board of Trustees,  
Village of Bellevue,  
Peoria County, Illinois

Gentlemen:

We hereby accept an ordinance adopted by your President and Board of Trustees on April 10, 1995, granting to Central Illinois Light Company certain rights with regard to the distribution of gas in your Village.

Yours very truly,

CENTRAL ILLINOIS LIGHT COMPANY

By: \_\_\_\_\_



Vice President

795-401.A

ORDINANCE NO. 420

VILLAGE OF BELLEVUE, ILLINOIS

ORDINANCE ESTABLISHING DATE OF COMMENCEMENT  
OF TERMS OF MUNICIPAL OFFICERS

WHEREAS, Section 3.1-10-15 of the Illinois Municipal Code (65 ILCS 5/3.1-10-15) provides that a municipality may, by ordinance, fix the date of commencement of the terms of its elected officers, within certain time limitations as specified therein; and

WHEREAS, the Village Board of Trustees has determined that the best interests of the Village and its residents will be served by fixing the date of commencement of the terms of the officers of the Village as the date of the first meeting of the Board of Trustees in May following the election of such officers; and

WHEREAS, such date is within the time limits specified by Section 3.1-10-15 of the Illinois Municipal Code;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF BELLEVUE, PEORIA COUNTY, ILLINOIS, AS FOLLOWS:

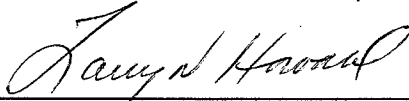
Section 1: That the terms of all elected officers of the Village of Bellevue shall commence on the date of the first regular or special meeting of the Village of Bellevue Board of Trustees in the month of May following the election of such officers.

Section 2: This Ordinance shall be in full force and effect from and after the date of its passage.

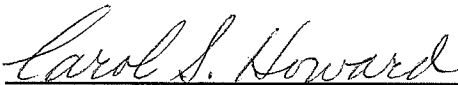
PASSED AND APPROVED THIS 8TH DAY OF MAY, 1995.

<u>5</u>	AYES
<u>0</u>	NAYS

VILLAGE OF BELLEVUE, ILLINOIS

  
\_\_\_\_\_  
Larry N. Howard, President

ATTEST:

  
\_\_\_\_\_  
Carol S. Howard, Clerk