

35A

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 for 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 be and the same 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, 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 under ground 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 addition, 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. 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 any other charge or imposition against the said Grantee or

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 with the Illinois Commerce Commission its proposed increase in rate or rates.

SECTION III: In laying, establishing and maintaining the 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 this 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.

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 of Trustees complete and up-to-date maps showing size and location of all mains laid in public streets and alleys, and that after the completion of the original proposed system, Grantee will from time to time revise said maps showing such locations as the main system is extended or changed.

SECTION V: The Grantee covenants and agrees to make application, within thirty (30) days from the effective date of this franchise, to the Illinois Commerce Commission for the necessary Certificate of Convenience and Necessity to carry into effect the object and purpose of this franchise, and the Grantee agrees to proceed with the construction so authorized by the Illinois Commerce Commission in the manner and as directed by such Commission as soon as materials are made available and can be secured under orders of the War Production Board. Grantee agrees that it will place orders for materials needed in the construction of such a gas distribution system in the Village of Bellevue as soon as the necessary authorizations are received from the Illinois Commerce Commission and other Governmental Agencies having jurisdiction

and will within one year from the final date of such authorizations complete the construction of such a gas distribution system so as to have service available to at least two hundred homes in said Village. Should the Grantee fail for any reason to do so within the time set, and time is the essence of this franchise, it shall forfeit all rights to this franchise and the same shall be thereafter null and void.

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.

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 said 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 III All ordinances or parts of ordinances inconsistent herewith are hereby repealed as of the effective date of this ordinance.

Passed in open council this 27 day of Feb. A.D.,
1945.

VILLAGE OF BELLEVUE, PEORIA COUNTY, ILLINOIS

BY Edward Finley
Its President

ATTEST;

BY Emmett Martin
Village Clerk

Peoria, Illinois February 28, 1945.

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, 28th day of February, 1945., 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 J. E. Brown
Vice President

MINUTES OF PROCEEDINGS OF MEETING OF
VILLAGE BOARD, VILLAGE OF BELLEVUE, ILLINOIS.
FEBRUARY 27, 1945.

At the regular meeting of the Village Board of the Village of Bellevue, Peoria County, State of Illinois, at 8 o'clock, P.M., February 27, 1945, held at the schoolhouse in Bellevue, Illinois, with President Edward Finley presiding, and Trustees Earl Murray, E. A. Lucas, Glen Pillishafski, Frank Heller, Archie Cape, Arnold Berggren present, the following, among other things, was had and done.

The suggested franchise ordinances granting an electric and gas franchise to the Central Illinois Light Company, having been read at previous regular meetings of the Village Board, were fully discussed. It was moved by Earl Murray, seconded by E. A. Lucas that the franchises be granted.

Upon roll call, the following voted "Aye":

Earl Murray, E. A. Lucas, Glen Pillishafski and President
Edward Finley,

and the following "Nay":

Frank Heller, Archie Cape, Arnold Berggren.

The President thereupon declared the ordinances adopted.

CERTIFICATION

I, Emmett Martin, Village Clerk of the Village of Bellevue, Illinois, certify that the foregoing is a true and correct report of the proceedings of the Village Board of the Village of Bellevue on February 27, 1945, with reference to the electric and gas franchise ordinances as shown by the minutes of the Village of Bellevue.

In witness thereof, I have hereunto set my hand and affixed the seal of the Village of Bellevue this 1 day of March 1945.

Signed Emmett Martin
Village Clerk

#35A

State of Illinois)
County of Peoria) SS
Village of Bellevue)

I, Emmett Martin, do hereby certify that I am Village Clerk of the Village of Bellevue in the County and State aforesaid and as such, the keeper of the records and seal of said Village of Bellevue and county and State aforesaid.

I further certify that I have carefully examined and compared the hereto annexed copy of an ordinance with the original record of the same in this office and that such transcript is a true and correct copy of an ordinance passed by the Village Board of Bellevue on the 27th day of February, A.D., 1945, and approved by the President of said Village upon the 27th day of February, A.D., 1945, and accepted by the Company on the 28th day of February, A.D., 1945.

I do further certify that the original of said ordinance is lawfully in my custody.

IN WITNESS WHEREOF: I have hereunto set my hand and affixed the seal of said Village at my office at Bellevue, Illinois, on this 1 day of March, A.D., 1945.

Signed Emmett Martin
Village Clerk