

1999

see section 7

AN ORDINANCE  
GRANTING A FRANCHISE TO CENTRAL ILLINOIS LIGHT COMPANY

An Ordinance granting a Franchise to Central Illinois Light Company to establish, maintain and operate within the Village of Bellevue an electric generating, transmitting and distributing system for the purpose of furnishing electrical energy for public and private use in said Village and elsewhere, and to use the streets, avenues, alleys, public grounds and bridges in said Village of Bellevue for the purpose of erecting, constructing, maintaining, replacing and substituting poles, wires, cables, conduits and other facilities, either above or below the surface thereof, for the transmission, sale and delivery of electrical energy for public and private use in said Village and elsewhere.

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

SECTION I: That the rights, privilege and authority be and the same is hereby granted to Central Illinois Light Company (herein called the GRANTEE), a corporation organized and existing under the laws of the State of Illinois, its successors and assigns, for the term hereinafter specified to construct, maintain, and operate within the Village of Bellevue, a plant or plants or other facilities and a generating, transmitting and distributing system for the production, transmission, sale, delivery, or supply of electrical energy for public and private use in said Village and elsewhere, and to use the streets, avenues, alleys, sidewalks, public grounds, and bridges of and in said Village of Bellevue for the purpose of erecting, constructing, maintaining, replacing, and substituting poles, wires, cables, conduits, guys, and other facilities either above or below the surface thereof for the generation, transmission, distribution, sale, delivery or supply of electrical energy for public and private use in said Village or elsewhere; and to that end there is hereby granted to the Grantee, its successors and assigns, the right to enter into and upon and to use the streets, avenues, alleys, sidewalks, public grounds, and bridges to construct, establish, erect, maintain, and operate aerial poles and other supports, cables, wires and underground conduits with all necessary braces, guys, cross arms, anchors, transformers and other appliances that may prove adaptable for the carrying, transforming, distribution or opera-

Grant.

tion of electricity through present as well as the future corporate limits of Bellevue, Illinois, for the purpose of furnishing light, heat, and power to the said Village of Bellevue, and to the residents, and others in the said Village of Bellevue, and to the surrounding territory and to the public generally, with the right and privilege to reenter from time to time for the purpose of marketing such additions, extensions, connections, repairs, installations, renewals, substitutions and alterations as may be necessary for the proper maintenance and operation of said system or systems and connections, or any portion thereof, and provided always that such powers are to be exercised subject to all restrictions in this Ordinance contained.

SECTION II: The rates to be charged for the supplying of electric current for the light, heat, and power, or other purposes, as herein contemplated shall be those 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.

Rates.

SECTION III: Said Grantee, in constructing, extending or operating said system or systems, shall not at any time unreasonably obstruct any street, alley, or public place in said Village, and whenever, in constructing, extending, maintaining or operating said system or systems, it shall in any way use or obstruct any street, alley, or public place, it shall as soon as practicable, restore the same to its first and former condition, and it shall at all times, save, hold, and keep the Village of Bellevue harmless from and indemnify it against any and all damages and loss which may accrue, or be recovered against said Village through the negligence or other wrongful conduct of the Grantee, herein, or any of its employees in the construction, operation, extension, or maintenance of said system or systems.

Obstruction  
of Streets.

SECTION IV: The Grantee may at any time make and enforce as a part of the conditions upon which it will furnish electricity for light, heat, and power or for any other purpose for which said service may prove to be adapted in said Village of Bellevue, such lawful rules and regulations as are not inconsistent with the terms and conditions of this Ordinance.

Rules and  
Regulations.

**SECTION V:** All overhead wires and electrical conductors of the grantee, its successors and assigns, shall be constructed, operated and maintained in accordance with applicable rules of the Illinois Commerce Commission and under the supervision of the Superintendent of Streets or other duly authorized agent of the Board of Trustees designated from time to time.

Operation  
of System.

**SECTION VI:** The Grantee is hereby granted the right and privilege to trim and remove trees at all times as may be wholly or in part on any Village property and which may interfere with the construction, operation or maintenance of Grantee's system or systems, under the supervision of the Superintendent of Streets and Alleys of the Village of Bellevue or such person as may be designated from time to time; provided, however, that nothing in this section contained shall authorize said Grantee to enter upon any property privately owned in the Village of Bellevue for the purpose aforesaid without express authority from the owner thereof.

Trimming  
of Trees.

**SECTION VII:** Whenever any person or persons shall desire to move any buildings or other structures across, along, or upon any of the streets, alleys or public highways situated within the Village of Bellevue, after having obtained proper authority for such purpose from the Village of Bellevue, which operation will be interfered with by any of the wires or other electrical conductors of the Grantee, the Village Clerk of the Village of Bellevue shall give to the Grantee twenty-four (24) hours written notice specifying the alley or alleys, street or streets, public highway or highways along, upon or across which said building or other structure will be moved, and thereupon the Grantee herein shall temporarily remove or raise its said wires and electrical conductors along the route designated, when and as required, to permit the unobstructed moving of the building or structure aforesaid, provided, however, the person or persons desiring to move any building or structure in accordance with the provisions hereof shall first deposit with the Village Clerk of the Village of Bellevue, any amount sufficient to indemnify the said Grantee against loss of all labor employed and materials used or destroyed in complying with provisions hereof, said amount to be determined by the Village Clerk from an estimate furnished by Grantee, and the Village Clerk shall reimburse the Grantee for all labor employed and materials used or destroyed in complying with the provisions hereof not to exceed the amount of said deposit.

Moving  
Buildings.



where the wires of the Grantee interfere with the trimming or removal of trees by the Village of Bellevue or any resident thereof, the Grantee shall, on receiving twenty-four (24) hours written notice from the Village Clerk of the Village of Bellevue, temporarily remove said wires or assist in the trimming or removal of said trees.

**SECTION VIII:** The Grantee, its successors and assigns, will pay to the Village of Bellevue a sum equal to 30% of the Grantee's monthly charge to said Village for street lighting purposes. Such monthly charges shall be those provided for in the Street Lighting Contract under which service is rendered to said Village. The first payment shall be made applicable within fifteen (15) days after the rendering by the Grantee, of the first street lighting bill. Such payments shall be made by delivery of check monthly to Village with reasonable promptness following each monthly billing period. The Village may at their option request Grantee to apply said franchise payment to Grantee's monthly street lighting charge. Should the Grantee be delinquent on monthly payments provided for herein, the Village may deduct the arrears from payment to be made to Grantee for street lighting service. Should Village be delinquent to Grantee for services rendered, Grantee may credit Village account with payments provided for herein.

**SECTION IX:** If, at any time, the Village shall, by ordinance or otherwise, impose any tax, license, inspection fee, rental or occupation charge or any other charge as against the said Grantee on account of the use by it of any space in any street, alley, avenue, sidewalk, public grounds or bridge for its poles, wires, cables, conduits or other facilities in connection with the electric distribution system, then and in such event the rates for electric 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 to be decided by the total sales of electricity hereunder in any year in determining such increase in rate. If and when such 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 XI:** This ordinance is hereby granted and the terms and provisions thereof shall extend to and be binding upon the Grantee, Central Illinois Light Company, its successors and assigns.

**SECTION XII:** This ordinance shall be and remain in full force and effect from and after its passage for a period of fifty (50) years thereafter, provided said Grantee, Central Illinois Light Company, files with the Clerk of the Village Board of Bellevue its acceptance in writing of said ordinance within thirty (30) days after its passage by the Village Board. Term.

**SECTION XIII:** All other ordinances or parts of ordinances in consistent with the provisions hereof are hereby repealed as of the effective date of this ordinance. Invalidity of any part of this ordinance shall not invalidate the whole, but each provision thereof shall be considered severable and any provision or portion thereof which shall not be found to be invalid shall remain in full force and effect.

**SECTION XIII:** This ordinance shall be published in pamphlet form and as so published this date by authority of the President and Board of Trustees shall be deemed in effect forthwith as passed and published this date.

Passed in open council this 10<sup>th</sup> day of March, A.D., 1970.

VILLAGE OF BELLEVUE, PEORIA COUNTY, ILLINOIS

Approved by us this 10<sup>th</sup> day of March, 1970.

[Signature]  
Village President

Attest:

[Signature]  
Village Clerk

