

ORDINANCE NO. 466

AN ORDINANCE

Authorizing the

**Central Illinois
Public Service Company**

its Successors and Assigns

To Construct, Operate and Maintain an
Electric Light, Heat and Power System

in the
City of Nokomis

County of Montgomery

and State of Illinois

PASSED June 22 1959

EXPIRES June 22 2022

ORDINANCE NO. 466

AN ORDINANCE AUTHORIZING THE CENTRAL ILLINOIS PUBLIC SERVICE COMPANY, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE AND MAINTAIN AN ELECTRIC LIGHT, HEAT AND POWER SYSTEM IN THE CITY OF NOKOMIS, COUNTY OF MONTGOMERY AND STATE OF ILLINOIS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NOKOMIS, COUNTY OF MONTGOMERY AND STATE OF ILLINOIS:

SECTION 1. There is hereby given and granted to the Central Illinois Public Service Company, its successors and assigns, hereinafter referred to as "Grantee", the right, privilege and authority to construct, operate and maintain within the corporate limits as the same now exists or may hereafter be extended, of the City of Nokomis, hereinafter referred to as "Municipality", an electric light, heat and power system in, along, over, under and across the streets, avenues, alleys and public places in said Municipality for the transmission, distribution and sale of electric energy, together with the right, privilege and authority to erect, construct, operate and maintain all necessary poles, conductors, wires, conduits and apparatus in, along, over, under and across said streets, avenues, alleys and public places for such purposes.

SECTION 2. All poles and other equipment placed or installed under this ordinance shall be so placed, whether in streets, alleys, avenues or other public places, as not to interfere unnecessarily with travel on such streets, alleys, avenues and other public places. All poles and other equipment placed or installed under this ordinance shall be so located as not to injure unnecessarily any pipes, conduits, sewers, drains or other like public improvements, and said Grantee shall forthwith repair any damage caused to such improvements to the satisfaction of the official or officials of said Municipality having charge of the supervision thereof and in default thereof said Municipality may repair such damage and charge the cost thereof to, and collect the same from, the Grantee.

SECTION 3. As a consideration for the rights, privileges and authorities granted by this ordinance the Grantee shall allow the Municipality, without paying other compensation therefor, to place one cross arm on poles erected under this ordinance and string thereon such wires as the Municipality may require for its police and fire alarm system; provided, that said cross arms and wires shall be used for such purpose only and shall be so placed and maintained by said Municipality, under the direction of said Grantee, as not to interfere with the operation or maintenance of Grantee's said system for the distribution and sale of electric energy; and, provided, further, that the Municipality shall indemnify and hold harmless the said Grantee from any and all loss and damage that may be caused by the exercise of the right given the Municipality under this section of the ordinance.

SECTION 4. As a further consideration for the rights, privileges and authorities granted by this ordinance, the Grantee shall, throughout the period in which Grantee shall exercise the rights, privileges and authority granted by this ordinance, furnish to the said Municipality, annually, free of cost, electric energy for lighting the City Park and any rooms or buildings actually used by said Municipality for municipal purposes, to the amount of 5,000 kilowatt hours. The cost of installing any and all electric equipment required in said rooms, buildings or City Park shall be borne by said Municipality. If said Municipality shall, for the purpose of lighting said rooms or buildings and City Park, require in any year electric energy in excess of said quantity to be furnished free of cost, then and in that case the Municipality shall pay for such excess in accordance with Grantee's applicable rates, terms and conditions as from time to time approved by the Illinois Commerce Commission, such rates, terms and conditions being, respectively, at the present time, Rate 10, Sheet 15, and Terms and Conditions, Sheet 18, all set forth in Grantee's Electric Service Schedule III. C. C. No. 9B, Section One. Neither the acceptance by the Grantee of this ordinance nor anything contained herein shall limit or abridge any right or remedy the Grantee has or would have, if this ordinance were not in effect, to change, modify or supersede any of the rates, terms and conditions which now are or hereafter may be applicable to any service to be rendered by the Grantee to the Municipality under this ordinance. The application of the Grantee's rates, terms and conditions, as from time to time approved or permitted to become effective by the Illinois Commerce Commission to the service to be rendered Municipality hereunder, shall in no wise be affected by the existence of this ordinance.

SECTION 5. All poles and other equipment placed or installed by Grantee under this ordinance shall, insofar as practicable, be installed in alleys and side streets under the direction of the official or officials of said Municipality having charge of the supervision thereof; and the Grantee shall, in constructing, maintaining and operating poles and other equipment, save and keep harmless the said Municipality from any loss or damage to life or property occasioned by reason thereof.

SECTION 6. The charges to be made by the Grantee for public service rendered by it under this ordinance shall be such as are approved from time to time by the Illinois Commerce Commission of the State of Illinois or such other duly constituted governmental authority as shall have jurisdiction thereof.

SECTION 7. All provisions of this ordinance which are obligatory upon and which inure to the benefit of said Grantee shall also be obligatory upon and shall inure to the benefit of Grantee's successors or assigns, and the word "Grantee" whenever used in this ordinance shall mean and include not only the Central Illinois Public Service Company, but also its successors and assigns.

SECTION 8. All rights, privileges and authority granted by this ordinance shall, upon its acceptance by Grantee in the manner hereinafter provided, be and remain in full force and effect for and during the term of sixty-three (63) years from and after its passage and approval.

SECTION 9. No right, privilege or authority given or granted by this ordinance shall become effective until there shall have been filed with the City Clerk of

said Municipality the written acceptance of said ordinance by the Central Illinois Public Service Company. Such acceptance shall be so filed within thirty days from the passage of this ordinance and when so filed, shall, together with operation by the Grantee, or its successors or assigns, under the terms of said ordinance, constitute full consideration for the rights, privileges and authority hereby granted.

SECTION 10. All ordinances, or parts of ordinances, in conflict herewith, are hereby repealed.

SECTION 11. This ordinance shall be in full force and effect from and after its passage, approval and, if necessary, its recordation.

Passed June 22, 1959.

Approved June 22, 1959.

Recorded June 23, 1959.

CITY OF NOKOMIS

By H. C. Pettibone
Mayor

Attest:

J. H. Harrison
City Clerk

CERTIFICATE

STATE OF ILLINOIS)
) ss.
County of Montgomery)

I, J. H. Harrison, the duly qualified and acting City Clerk of the City of Nokomis, in said County of Montgomery, and the official custodian of the records of said City, do hereby certify that the foregoing is a true, correct and complete copy of Ordinance No. 466, entitled "An Ordinance authorizing the Central Illinois Public Service Company, its successors and assigns, to construct, operate and maintain an electric light, heat and power system in the City of Nokomis, County of Montgomery and State of Illinois," filed with the City Clerk of the City of Nokomis for public inspection on the 15 day of June, A. D. 1959, and passed, in the form in which it had remained on file for at least one week for public inspection, at a meeting of the Council of said City of Nokomis, held on the 22 day of June, A. D. 1959, approved and signed by the Mayor of said City on the 22 day of June, A. D. 1959, and recorded on the 23 day of June, A. D. 1959, as said Ordinance appears from the records in my office.

Given under my hand and the corporate seal of said City this 22 day of June, A. D. 1959.

J. H. Harrison
City Clerk

ACCEPTANCE

The Central Illinois Public Service Company, Grantee of the rights and privileges granted by Ordinance No. 466, of the City of Nokomis, Illinois, passed June 22, A. D. 1959, approved June 22, A. D. 1959, and entitled "An Ordinance authorizing the Central Illinois Public Service Company, its successors and assigns, to construct, operate and maintain an electric light, heat and power system in the City of Nokomis, County of Montgomery and State of Illinois," hereby accepts said Ordinance and all the provisions thereof.

In Witness Whereof, the Central Illinois Public Service Company, Grantee as aforesaid, has caused these presents to be signed by its President or a Vice President and attested by its Secretary or an Assistant Secretary and its corporate seal to be affixed this 30th day of June, A. D. 1959.

CENTRAL ILLINOIS PUBLIC SERVICE COMPANY

By
Vice President

(Corporate Seal)

Attest:

Assistant Secretary

CERTIFICATE

STATE OF ILLINOIS)
) ss.
County of Montgomery)

I, J. H. Harrison, the duly qualified and acting City Clerk of the City of Nokomis, in said County of Montgomery, and the official custodian of the records of said City, do hereby certify that the foregoing is a true, correct and complete copy of Ordinance No. 466, entitled "An Ordinance authorizing the Central Illinois Public Service Company, its successors and assigns, to construct, operate and maintain an electric light, heat and power system in the City of Nokomis, County of Montgomery and State of Illinois," filed with the City Clerk of the City of Nokomis for public inspection on the 15th day of June, A. D. 1959, and passed, in the form in which it had remained on file for at least one week for public inspection, at a meeting of the Council of said City of Nokomis, held on the 22nd day of June, A. D. 1959, approved and signed by the Mayor of said City on the 22nd day of June, A. D. 1959, and recorded on the 23rd day of June, A. D. 1959, as said Ordinance appears from the records in my office, and I do hereby further certify that the foregoing acceptance of said Ordinance is a true, correct and complete copy of the acceptance filed in my office by said Central Illinois Public Service Company on the 3 day of July, A. D. 1959, as said acceptance appears from the records in my office.

Given under my hand and the corporate seal of said City this 3 day of July, A. D. 1959.

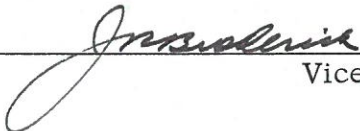
J. H. Harrison
City Clerk

ACCEPTANCE

The Central Illinois Public Service Company, Grantee of the rights and privileges granted by Ordinance No. 466, of the City of Nokomis, Illinois, passed June 22, A. D. 1959, approved June 22, A. D. 1959, and entitled "An Ordinance authorizing the Central Illinois Public Service Company, its successors and assigns, to construct, operate and maintain an electric light, heat and power system in the City of Nokomis, County of Montgomery and State of Illinois," hereby accepts said Ordinance and all the provisions thereof.

In Witness Whereof, the Central Illinois Public Service Company, Grantee as afore-said, has caused these presents to be signed by its President or a Vice President and attested by its Secretary or an Assistant Secretary and its corporate seal to be affixed this 29th day of July , A. D. 1959.

CENTRAL ILLINOIS PUBLIC SERVICE COMPANY

By 
Vice President

(Corporate Seal)

Attest:


Assistant Secretary

CERTIFICATE

STATE OF ILLINOIS)
) ss.
County of Montgomery)

I, J. H. Harrison, the duly qualified and acting City Clerk of the City of Nokomis, in said County of Montgomery, and the official custodian of the records of said City, do hereby certify that the foregoing is a true, correct and complete copy of Ordinance No. 466, entitled "An Ordinance authorizing the Central Illinois Public Service Company, its successors and assigns, to construct, operate and maintain an electric light, heat and power system in the City of Nokomis, County of Montgomery and State of Illinois," filed with the City Clerk of the City of Nokomis for public inspection on the 15th day of June, A. D. 1959, and passed, in the form in which it had remained on file for at least one week for public inspection, at a meeting of the Council of said City of Nokomis, held on the 22nd day of June, A. D. 1959, approved and signed by the Mayor of said City on the 22nd day of June, A. D. 1959, and recorded on the 23rd day of June, A. D. 1959, as said Ordinance appears from the records in my office, and that no petition protesting against the passage of said Ordinance was presented to the Council of said City of Nokomis during the period of thirty days following the said 22nd day of June, A. D. 1959, the date on which said Ordinance was passed by said Council, and I do hereby further certify that the foregoing acceptance of said Ordinance is a true, correct and complete copy of the acceptance filed in my office by said Central Illinois Public Service Company on the 29th day of July, A. D. 1959, as said acceptance appears from the records in my office.

Given under my hand and the corporate seal of said City of Nokomis this 29th day of July, A. D. 1959.

J. H. Harrison
City Clerk