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ORDINANCE NO. 501

**AN ORDINANCE**

Authorizing the  
**Central Illinois  
Public Service Company**

its Successors and Assigns

To Construct, Operate and Maintain  
A Gas Utility

in the  
City of Nokomis

County of Montgomery

and State of Illinois

PASSED

3/5/

1962

EXPIRES

2012

ORDINANCE NO. 501

AN ORDINANCE AUTHORIZING THE CENTRAL ILLINOIS PUBLIC SERVICE COMPANY, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE AND MAINTAIN A GAS UTILITY 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 exist or may hereafter be extended, of the City of Nokomis, hereinafter referred to as "Municipality," a gas transmission main for the transmission of gas into, through and beyond said Municipality, and a gas distribution system in, along, over and across the streets, avenues, alleys and public places in said Municipality, for the transmission, distribution and sale of gas, together with the right, privilege and authority to lay, install, operate and maintain mains, pipes, valves and other apparatus in, along and across the streets, avenues, alleys and public places of said Municipality for such purposes.

SECTION 2. All mains, pipes, valves and apparatus shall, so far as practicable, be placed underground and shall be so located and laid as not to interfere with any pipes, conduits, sewers, drains, pavements or other public improvements existing at the time of such location, 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. There shall be no unnecessary obstruction to the streets, avenues, alleys and public places of said Municipality in the laying, installation, operation or maintenance of any of said mains, pipes, valves or apparatus.

SECTION 3. At all excavations in any street, avenue, alley or public place, the Grantee shall keep red danger lights burning at night along the line of the same at intervals of not to exceed one hundred fifty (150) feet, and shall erect and maintain reasonable barricades at the ends of said excavations and at all street and alley intersections along the same. Before making any excavation in any street, avenue, alley or public place, the Grantee shall notify the official or officials of the Municipality having charge of the supervision thereof of the location and extent of the proposed excavation. No excavation shall be permitted to remain open longer than may be reasonably necessary, and all excavations shall be properly backfilled and tamped, and the surface, including pavement, if any, restored to as good state of repair and condition as before such excavations were made. The Grantee shall in constructing, operating and maintaining mains, pipe, valves or apparatus and other equipment save and keep harmless

the said Municipality from any loss or damage to life or property occasioned by reason thereof.

SECTION 4. The installation by Grantee of such gas distribution system in accordance with the terms and conditions hereinabove set forth, and the operation by Grantee as a public utility of said system in the distribution and sale to the public of gas within the Municipality, shall each constitute full consideration for the rights, privileges and authority hereby granted.

SECTION 5. As a further consideration for the rights, privileges and authorities herein granted, Grantee agrees to furnish Municipality, free of cost, natural gas to an amount not exceeding 2,500 therms per year, of a like kind and quality as is then furnished throughout Municipality, to be used by Municipality only in rooms or buildings actually used by said Municipality for municipal purposes in the City of Nokomis, Illinois, the cost of all equipment including the installation thereof to be borne by Municipality: Provided, however, that the furnishing by Grantee of said gas and the use thereof by Municipality shall be (a) subject to the orders, rules and regulations of the Illinois Commerce Commission or such other governmental authority having jurisdiction thereof, and (b) in accordance with Grantee's applicable terms and conditions in effect at the time such service is furnished and as from time to time approved by the Illinois Commerce Commission or such other governmental authority having jurisdiction thereof; And provided further that any excess over said 2,500 therms per year desired by Municipality shall be furnished to, used, billed to and paid for by the Municipality in accordance with Grantee's applicable rates, terms and conditions in effect at the time such service is furnished and as from time to time approved by the Illinois Commerce Commission or such other governmental authority having jurisdiction thereof. Not more than 2,500 therms of gas shall be furnished free of cost by Grantee to Municipality in any year. The word "year" whenever used in this paragraph shall mean the twelve months' period beginning with the first of the month following the date on which gas service to said rooms or buildings is first furnished or any anniversary date 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. Grantee agrees it will make a survey of prospective customers in said Municipality to determine the feasibility of serving the Municipality with natural gas. If said survey indicates that service is feasible, Grantee will so advise the Municipality by letter within sixty days from the date of the passage of this ordinance, but if said survey indicates that service is not feasible, Grantee will so notify Municipality by letter within sixty days from the date of passage of this ordinance and such notice shall operate to cancel and annul all rights, privileges and authorities granted by this ordinance.

SECTION 8. Upon the acceptance by Grantee of this ordinance as hereinafter provided and the commencement of operation by Grantee of a gas utility in said Municipality within two years from and after such acceptance by Grantee, the right,

privilege, authority and franchise to operate a gas utility within said Municipality as hereinbefore provided shall be and remain in full force and effect for a period of fifty years from and after the date of passage of this ordinance.

SECTION 9. 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 10. 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 sixty 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 11. All ordinances, or parts of ordinances, in conflict herewith, are hereby repealed.

SECTION 12. This ordinance shall be in full force and effect from and after its passage, approval and, if necessary, its recordation.

Passed March 5, 1962.

Approved March 5, 1962.

Recorded March 6, 1962.

H. C. Kettuskamp  
Mayor

Attest:

Mercant Morgan  
City Clerk

CERTIFICATE

STATE OF ILLINOIS     )  
  ) ss.  
County of Montgomery    )

I, Wincent Morgan, 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. 501, entitled "An Ordinance authorizing the Central Illinois Public Service Company, its successors and assigns, to construct, operate and maintain a gas utility 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 19<sup>th</sup> day of February, A. D. 1962, 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 5<sup>th</sup> day of March, A. D. 1962, approved and signed by the Mayor of said City on the 5<sup>th</sup> day of March, A. D. 1962, and recorded on the 6<sup>th</sup> day of March, A. D. 1962, as said Ordinance appears from the records in my office.

Given under my hand and the corporate seal of said City this 5<sup>th</sup> day of March, A. D. 1962.

Wincent Morgan  
City Clerk