

AN ORDINANCE AUTHORIZING CENTRAL ILLINOIS PIPE LINE CORPORATION, THEIR SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE AND MAINTAIN A GAS UTILITY IN THE ~~VILLAGE~~^{CITY} OF NOKOMIS, COUNTY OF MONTGOMERY AND STATE OF ILLINOIS.

BE IT ORDAINED ~~VILLAGE~~^{CITY} COUNCIL OF THE ~~VILLAGE~~^{CITY} OF NOKOMIS, COUNTY OF MONTGOMERY AND STATE OF ILLINOIS:

SECTION 1. Inasmuch as it has heretofore been determined that the ~~Village~~^{CITY} of Nokomis and its inhabitants are in need of a gas utility to furnish gas, there is hereby given and granted to Central Illinois Pipe Line Corporation, their successors and assigns, hereinafter called "Grantee", the right, privilege and authority to construct, operate and maintain within the corporate or legal limits of the ~~Village~~^{CITY} of Nokomis, hereinafter called the "Municipality", a gas 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 of the said Grantee shall, so far as may be practicable, be placed underground and shall be so located and laid as not to interfere with any existing water mains, pipes, conduits, sewers, drains, pavements or other public improvements, and said Grantee shall forthwith repair any damage caused to such improvements to the satisfaction of the 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 (100) 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 excavations in any street, avenue, alley or public place, the Grantee shall notify the Official 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 back-filled 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 said mains, pipes, 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 as set forth herein, 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 the 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 pay an annual tax to said Municipality, such tax so paid shall be a sum of money equal to two per cent (2%) of the gross sales of gas within said Municipality, and such sums shall be calculated on a calendar year basis and shall be payable on or before June 1st following the ending of the said calendar year to the Treasurer of said Municipality. Other than the calendar year referred to above, the word year shall mean the twelve months period beginning with the first of the month following the effective date of this Ordinance 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 by its acceptance of the within Ordinance agrees that the Municipality may have an option to purchase the gas distribution system constructed, built and operated within the legal limits of said Municipality by said Grantee for a period of five (5) years from the effective date of the within Ordinance on the terms and conditions as follows: If and when said Municipality elects to exercise the within mentioned ~~operation~~^{OPTION}, said Municipality shall serve written or printed notice upon Grantee of its duly authorized intent to purchase the said gas system within its Municipal limits, and including that portion of the said gas system used for distribution and connected as a unit with that portion inside said Municipality. Such notice may be served upon Grantee by delivering such notice to its agents at its principal place of business or at its collection offices. Such notice shall contain the method of payment as may be agreed upon by mutual consent of the Municipality and Grantee, and, if no mutual agreement has been reached, then such purchase as is contemplated in the exercise of the within option, shall be on a cash basis. The value of the property sought to be purchased by the Municipality exercising the within option may be determined by the agreement of the Municipality and the Grantee, subject of course to the approval of the Commerce Commission of the State of Illinois or such other duly constituted governmental authority as shall have jurisdiction in the premises, or in the event that such agreement as to value can not be reasonably had as between Municipality and said Grantee, then, and in that event, both the Municipality and the Grantee, then and in that event, both the Municipality and the Grantee will join in such petition and application to such governmental authority requesting

that such values be inquired into and determined for the purpose of enabling the Municipality to purchase the said gas distribution system within its legal limits. Such value when thus determined shall become binding upon the Municipality and the Grantee. Such sale as is contemplated by the option terms recited herein shall be conditioned on approval of the same by such governmental authority before the same is consummated and declared final. The Municipality shall be limited to one attempt or one offer to purchase said gas distribution system, whether such sale is consummated or whether such attempts as may be made by the Municipality fails. It is further understood that said five (5) year period for the exercising of the within option shall also include such time as may be necessary to conclude said sale as may be had hereunder. In the event that the Municipality purchases the said gas distribution system, such provisions of this Ordinance as provide for the procurement and transmission of gas to the connection point within said Municipality for delivery of gas to the Municipality shall remain in full force and effect and such connection rights, privileges and authority shall remain intact for the remainder of the said twenty (20) year period and the Municipality agrees hereunder that in order to fully protect Grantee's transmission line cost and expense, that the Municipality will continue for at least the remainder of said twenty (20) year period to purchase the gas for its then Municipal System from Grantee at such prices as may be determined for the purpose of such sale, and from time to time as may be determined, by the said governmental authority having the jurisdiction thereof.

SECTION 8. Because of the fact that the gas distribution system and the utility operation of the same within the limits of the Municipality is new, the Municipality agrees to join the Grantee in any applications or petitions for gas allocation to any corporate body or to any governmental authority as may be deemed necessary by the Grantee, and to otherwise cooperate in the submission or the

presentation of the evidence for the procurement of supplies of gas needed for the Municipality or its inhabitants. Such expense as may be incurred in any proceedings as are mentioned herein shall be borne by Grantee. In the event that any such proceedings become necessary or in the event that the installation, construction or operation of such system as is contemplated herein is legally challenged, or in the event that the action of the Municipality is legally challenged, or in the event that objectors challenge the procurement of gas for the purposes covered herein, or in the event that delays are encountered outside of Grantee's control, such time as may lapse by reason thereof shall not be chargeable to the Grantee by the Municipality. Otherwise, as and when saleable gas is available, Grantee shall within four (4) months thereafter commence to lay such gas lines and pursue the construction of same with due diligence to make such gas line connections for the transmission of gas to the Municipality area for the purpose of commencing the laying, installation, operation and maintenance of Grantee's mains, pipes, valves and apparatus within the limits of the Municipality.

SECTION 9. The Grantee, in addition to all other things herein mentioned, shall furnish, free of cost, to the Municipality an annual quantity of gas not to exceed 2,500 therms for municipal building use at any one location.

SECTION 10. The Grantee shall commence the preliminary surveys, plans and application for allocation of gas and cause the same to be filed with the proper governmental agency within a period of six (6) months from the effective date of this Ordinance and pursue the same with due diligence for the benefit of the Municipality to completion. Grantee shall be allowed a period of two (2) years from the effective date of this Ordinance to secure an allocation of gas for the benefit of the Municipality, however, any delays that might be occasioned during the pendency of such application through no fault of the Grantee shall not be chargeable to Grantee, and shall extend said two (2) year period accordingly.

SECTION 11. 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 said Central Illinois Pipe Line Corporation, but also their successors and assigns.

SECTION 12. 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 for and during the term of the said twenty (20) years from and after its passage and approval, and the only variation shall be in the event that the said option shall be exercised and the sale contemplated thereunder consummated, but in no event shall the sale of gas from the connection or transmission lines leading from the source of supply to the Municipality be altered except as above provided.

SECTION 13. 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 said Central Illinois Pipe Line Corporation. Such acceptance shall be filed within thirty (30) days from the passage of this Ordinance and when so filed, shall, together with operation by Grantee, or their successors or assigns, under the terms of said Ordinance, constitute full consideration for the rights, privileges and authority hereby granted.

SECTION 14. All Ordinances, or parts of Ordinances, in conflict herewith, are hereby repealed.

SECTION 15. This Ordinance shall be in full force and effect from and after its passage, approval and, if necessary its recordation.

Passed July 21, 1960

Approved July 21, 1960

Recorded July 21, 1960

ATTEST:

J. H. Harrison
Village Clerk

H. O. Kettelkamp
Mayor

CITY

CERTIFICATE

STATE OF ILLINOIS :
 :
 :
COUNTY OF MONTGOMERY : SS

I, J. H. Harrison, the duly qualified and acting Clerk of the CITY of Nokomis, in Montgomery County, Illinois, and the official custodian of the books and records of said CITY, do hereby certify that the foregoing is a true, correct and complete copy of Ordinance No. 479, entitled " An Ordinance authorizing Central Illinois Pipe Line Corporation, their successors and assigns, to construct, operate and maintain a gas utility in the CITY of Nokomis, County of ~~Montgomery~~ and State of Illinois", passed at a meeting of the CITY Board of said CITY of Nokomis, held on the 21st day of July, 1960, and approved and signed by the Mayor of said CITY on the 21st day of July, 1960, and recorded in my Office on the 21st day of July 1960, as said Ordinance appears from the records in my Office.

GIVEN under my hand and seal of said CITY of Nokomis, Illinois, this 21st day of July, 1960.

J. H. Harrison
CITY ~~Village~~ Clerk of the CITY of
Nokomis, Montgomery County, Illinois.



RESOLUTION

BE IT AND IT IS HEREBY RESOLVED, that the CITY of Nokomis, in the County of Montgomery and the State of Illinois, Grant unto Central Illinois Pipe Line Corporation the right by contract to construct, operate and maintain a gas utility for a period of twenty years pursuant to and in accordance with the terms and conditions expressed in a certain Ordinance No. 479, passed July 21, 1960, approved July 21, 1960, and recorded in the Office of the CITY Clerk July 21, 1960, entitled, "An Ordinance authorizing Central Illinois Pipe Line Corporation, their successors and assigns, to construct, operate and maintain a gas utility in the CITY of Nokomis, County of Montgomery and State of Illinois". And that the written contract embracing such grant is attached hereto and made a part hereof by reference. That upon passage of the within Resolution, the Mayor is authorized to sign said contract so attached hereto, and that thereafter said contract be delivered to said Central Illinois Pipe Line Corporation for their approval and acceptance.

On Motion made by Commissioner, Tozetti, and Seconded by Commissioner, Hagemier, the roll call was made and all Members of the Village Board voted yea, and no Members of the CITY Board voted nay. The Mayor declared the Resolution adopted and ordered the same spread upon the CITY Records. Dated July 21, 1960.

A. C. Kettler
Mayor

Attest:

J. H. Harrison
Village Clerk

CERTIFICATE

STATE OF ILLINOIS :
 :
 :
COUNTY OF MONTGOMERY : SS

I, J. H. Harrison, the duly qualified and acting Clerk of the ~~CITY~~ of Nokomis, in said County of Montgomery and State of Illinois, and the official custodian and keeper of the books and records of said ~~CITY~~ of Nokomis, do hereby certify that the foregoing are true, correct and complete copies of Ordinance No. 479, entitled, "An Ordinance authorizing Central Illinois Pipe Line Corporation, their successors and assigns, to construct, operate and maintain a gas utility in the ~~CITY~~ of Nokomis, County of Montgomery and State of Illinois", passed at a meeting of the ~~CITY~~ Board of said ~~CITY~~ of Nokomis, held on the 21st day of July, 1960, approved and signed by the Mayor of said ~~Village~~ on the 21st day of July, 1960, recorded in my Office on the 21st day of July, 1960, and the Acceptance thereof filed in my Office by the said Central Illinois Pipe Line Corporation on the 12 day of ^{aug}~~July~~, 1960, as said Ordinance and said Acceptance appear from the records in my Office.

GIVEN under my hand and the corporate seal of said ~~Village~~ of Nokomis, Illinois, this 12 day of ^{aug}~~July~~, 1960.

J. H. Harrison
~~CITY~~ Clerk of the Village of
Nokomis, Montgomery County, Illinois.



CONTRACT

For and in consideration of the sum of One Dollar and other good and valuable consideration, the value of which is understood by the parties hereto, the CITY of Nokomis, Montgomery County, Illinois, hereby grants to Central Illinois Pipe Line Corporation, its successors and assigns, the right to construct, operate and maintain a gas utility in the CITY of Nokomis, County of Montgomery, State of Illinois, for a period of twenty years as provided in a certain Ordinance No. 479, passed by the ~~Village~~ CITY Board of said CITY of Nokomis on the 21st day of July, 1960, approved by and signed by the Mayor of said CITY of Nokomis, on the 21st day of July, 1960, recorded in the Office of the CITY Clerk of said CITY of Nokomis on the 21st day of July, 1960, entitled, "An Ordinance authorizing Central Illinois Pipe Line Corporation, their successors and assigns, to construct, operate and maintain a gas utility in the CITY of Nokomis, County of Montgomery and State of Illinois". Said Ordinance is by reference incorporated herein and made a part hereof for any and all purposes. This contract shall become effective and binding upon the CITY of Nokomis, Illinois and the Central Illinois Pipe Line Corporation, simultaneous with the effective date of said Ordinance.

The above and foregoing contract was adopted by Resolution passed by the CITY Board of the ~~Village~~ of Nokomis, Illinois, on the date of July 21, 1960. CITY

A. C. Kettlerkamp
Mayor

ATTEST:

J. H. Harrison
CITY Clerk

The above and foregoing contract was adopted by Resolution of the Board of Directors of Central Illinois Pipe Line Corporation on the date of August - 11, 1960.

Mary Lewis
Vice - President

ATTEST:

Thomas Sweeney
Secretary

ACCEPTANCE

Central Illinois Pipe Line Corporation, Grantee of the rights and privileges granted by Ordinance No. 479, of the CITY of Nokomis, Illinois, passed on the 21st day of July, 1960, approved and signed by the Mayor of said CITY on the 21st day of July, 1960, recorded in the Office of the CITY Clerk of said CITY on the 21st day of July, 1960, and entitled, "An Ordinance authorizing Central Illinois Pipe Line Corporation, their successors or assigns, to construct, operate and maintain a gas utility in the CITY of Nokomis, County of Montgomery and State of Illinois", hereby accepts said Ordinance and all the provisions thereof.

In witness whereof, Central Illinois Pipe Line Corporation, Grantee as aforesaid, by proper resolution of the Board of Directors of said Corporation, has caused these presents to be signed by the President of said Corporation, and the same attested to by the Secretary of said Corporation, and has authorized said acceptance as recited herein to be delivered to the CITY Clerk of the ~~Village~~ CITY of Nokomis, Illinois, and dated this 11th day of August, 1960.

Morey Lewis
Vice-President of Central Illinois Pipe Line Corporation

ATTEST:

Thomas Sweeney
Secretary of Central Illinois
Pipe Line Corporation