

Ordinance #O.14.18

**An Ordinance OF THE CITY OF GALENA, COUNTY OF JO DAVIESS, STATE OF ILLINOIS, GRANTING TO JO CARROLL ENERGY, AN ILLINOIS CO-OP, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO ERECT, INSTALL, CONSTRUCT, RECONSTRUCT, REPAIR, OWN, OPERATE, MAINTAIN, MANAGE AND CONTROL AN ELECTRICK PLAN WITH THE CORPOORATE LIMITS OF SAID MUNICIPALITY AND AN ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEM CONSISTING OF POLES, WIRES, CONDUITS, PIPES, CONDUCTORS AND OTHER FIXTURES, IN, UNDER, OVER, ALONG AND ACROSS STREETS, LANES, AVENUES, SIDEWALKS, ALLEYS, BRIDGES AND PUBLIC GROUNDS OF SAID MUNICIPALITY FOR THE PURPOSE OF PRODUCING AND FURNISHING ELECTRIC ENERGY FOR LIGHT, HEAT AND POWER PURPOSES TO SAID MUNICIPALITY AND ITS INHABITANTS FOR A PERIOD OF FIVE (5) YEARS FROM AND AFTER PASSAGE, APPROVAL AND PUBLICATION OF THIS ORDINANCE ACCORDING TO LAW.**

Adopted by the City Council of the City of Galena this 24<sup>th</sup> Day of November 2014.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 24<sup>th</sup> Day of November 2014.

STATE OF ILLINOIS            )  
  )        City of Galena  
COUNTY OF JO DAVIESS )

CERTIFICATE

I, Mary Beth Hyde, certify that I am the duly elected municipal clerk of the City of Galena, JoDaviess County, Illinois.

I further certify that on the 24<sup>th</sup> Day of November 2014, the Corporate Authorities of said municipality passed and approved Ordinance No. O.14.18 entitled **AN ORDINANCE OF THE CITY OF GALENA, COUNTY OF JO DAVIESS, STATE OF ILLINOIS, GRANTING TO JO CARROLL ENERGY, AN ILLINOIS CO-OP, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO ERECT, INSTALL, CONSTRUCT, RECONSTRUCT, REPAIR, OWN, OPERATE, MAINTAIN, MANAGE AND CONTROL AN ELECTRICK PLAN WITH THE CORPOORATE LIMITS OF SAID MUNICIPALITY AND AN ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEM CONSISTING OF POLES, WIRES, CONDUITS, PIPES, CONDUCTORS AND OTHER FIXTURES, IN, UNDER, OVER, ALONG AND ACROSS STREETS, LANES, AVENUES, SIDEWALKS, ALLEYS, BRIDGES AND PUBLIC GROUNDS OF SAID MUNICIPALITY FOR THE PURPOSE OF PRODUCING AND FURNISHING ELECTRIC ENERGY FOR LIGHT, HEAT AND POWER PURPOSES TO SAID MUNICIPALITY AND ITS INHABITANTS FOR A PERIOD OF FIVE (5) YEARS**

**FROM AND AFTER PASSAGE, APPROVAL AND PUBLICATION OF THIS ORDINANCE ACCORDING TO LAW** which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. O.14.18 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 25<sup>th</sup> Day of November 2014 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 25<sup>th</sup> Day of November 2014.



Mary Beth Hyde  
City Clerk

(Seal)

Ordinance #O.14.18

**ELECTRIC FRANCHISE**

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**WHEREAS**, an ordinance of the City of Galena, County of Jo Daviess, State of Illinois, granting to Jo Carroll Energy, An Illinois Co-Op, its successors and assigns, permission to erect, install, construct, reconstruct, repair, own, operate, maintain, manage and control an electric plant within the corporate limits of said municipality and an electric transmission and distribution system consisting of poles, wires, conduits, pipes, conductors and other fixtures, in, under, over, along and across the streets, lanes, avenues, sidewalks, alleys, bridges and public grounds of said municipality for the purpose of producing and furnishing electric energy for light, heat and power purposes to said municipality and its inhabitants for a period of five (5) years from and after passage, approval and publication of this ordinance according to law. This agreement shall be exclusive as to Jo Carroll Energy, as it pertains to the distribution of electricity.

**BE IT ORDAINED** by the City Council of the City of Galena, Jo Daviess County, Illinois, as follows:

**SECTION 1:** That there is hereby granted unto Jo Carroll Energy, An Illinois Co-Op, its successors and assigns, together hereinafter called the "Grantee", the right, permission, privilege and franchise, for a period of five (5) years from and after the taking effect of this Ordinance, subject only to the laws of the State of Illinois as now in force and to the conditions and limitations hereinafter contained, to erect, install, construct, reconstruct, repair, own, operate, maintain, manage and control an electric plant and an electric transmission and distribution system consisting of poles, wires, conduits, pipes, conductors and other fixtures, within the limits of said municipality, necessary, convenient or proper for the production, transmission, distribution and delivery of electric energy to said municipality and its inhabitants for light, heat and power purposes.

**SECTION 2:** That said Grantee, is hereby granted the right-of-way in, under, over, along and across the streets, lanes, avenues, sidewalks, alleys, bridges and public grounds of said municipality for the purpose of erecting, installing, constructing, reconstructing, repairing, owning, operating, maintaining, managing and controlling said electric plant and said electric transmission and distribution system.

**SECTION 3:** That said Grantee shall hold said municipality free and harmless of and from any and all liability, damages, actions and causes of action, caused by or through the neglect or mismanagement of the Grantee in the erection, installation, construction, reconstruction, repair, operation, maintenance, management or control of said electric plant and electric transmission and distribution system.

**SECTION 4:** That said Grantee shall not, during the erection, installation, construction, reconstruction, repair, operation and maintenance of said plant of transmission and distribution system, unnecessarily impede public travel on the streets, lanes, avenues, sidewalks, alleys, bridges and public grounds of said municipality, and shall leave all of said streets, lanes, avenues, sidewalks, alleys, bridges and public grounds upon which it may enter for the purpose herein authorized in as good condition as they were at the date of said entry.

**SECTION 5:** That said Grantee will extend service to any customer within the corporate limits of the municipality in accordance with the Service Standards of Grantee as filed with the Illinois Commerce Commission.

**SECTION 6:** That whenever any person has obtained permission from the municipality to move any building or structure which may interfere with the poles, wires or other fixtures of said Grantee, Grantee shall, upon five days' notice thereof, and at the expense of the person desiring to move such structure, remove such poles, wires or other fixtures as may be necessary to allow the passage of such structure, for a reasonable length of time, upon receipt from such person of satisfactory assurance covering the cost of such removal and replacement and any liability or damage resulting therefrom.

**SECTION 7:** That if any section or portion of a section of this Ordinance shall be declared null and void by any competent authority, the remaining portions hereof shall not be affected thereby.

**SECTION 8:** That all ordinances or resolutions or parts thereof heretofore adopted by said municipality in conflict with the terms hereof are hereby repealed.

**SECTION 9:** That said ordinance shall take effect from and after its passage, approval and publication according to law.

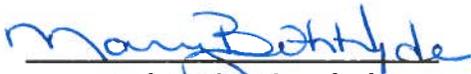
Passed by the Mayor and the City Council of the City of Galena, Illinois, this 24th day of November, 2014.

**AYES:** Bernstein, Fach, Lincoln, Painter

**NAYS:** Greene, Kieffer

  
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Mayor Terry Renner

**Attest:**

  
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Mary Beth Hyde, City Clerk

Prepared by:  
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