

CITY OF MARSHALL

ORDINANCE NO. 2015-O- 13

AN ORDINANCE GRANTING AMEREN ILLINOIS COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND PRIVILEGE TO ERECT AND MAINTAIN POLES AND TO STRING WIRES THEREON TO CONDUCT ELECTICITY IN, OVER, UPON AND ALONG CERTAIN STREETS IN THE CITY OF MARSHALL, COUNTY OF CLARK AND STATE OF ILLINOIS.

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF MARSHALL

Published in pamphlet form by authority of the City of Marshall, Clark County, Illinois, this 14
day of September, 2015.

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BE IT ORDAINED by the City Council of the City of Marshall, Illinois:

SECTION 1. That in consideration of the rights and privileges herein granted to the City of Marshall to use the poles as hereinafter provided, and the undertaking of the Ameren Illinois Company to comply with the provisions hereinafter contained, permission and authority are hereby granted to and duly vested in the Ameren Illinois Company, its successors and assigns, to erect and maintain poles and string wires thereon as hereinafter provided, to conduct electricity in, over, upon and along certain streets hereinafter mentioned, and to operate the same for a period of 20 years, subject only to such limitations as are now or may subsequently be provided by law, and in the manner and upon the conditions hereinafter prescribed.

The term herein shall automatically renew at the end of the 20 year term. Each automatic renewal term will be 5 years in length. The City of Marshall may terminate this grant of authority by giving Ameren written notice of termination 180 days before the beginning of any automatic renewal term.

SECTION 2. The streets and parts of streets and alleys and parts of alleys and public property (collectively "Public Right of Way") in, along and upon which poles are hereby authorized to be erected and wires strung thereon, are as follows:

- (a) 14th Street between Beech and Plum Streets, and extending thence southwestwardly in, upon and along the alley between Beech Street and Plum Street from 14th Street to 2nd Street, then in, upon and along 3rd Street between Beech Street and Locust Street, then in, upon and along Archer Avenue from 4th Street to the Old Indian Treaty Boundary line, which is the westernmost limit of the jurisdictional transfer of SBI 11 / Old U.S. 40 / National Road /Archer Avenue from the State of Illinois to the City of Marshall.
- (b) Also, beginning at or near a point where State Bond Issue Route No. 1 crosses the south boundary of said City, and thence east in, upon and along Sycamore street or road in the south boundary of said City to Eleventh Street, thence north in, upon and along Eleventh Street to Maple Street, thence northeastwardly in, upon and

along Maple Street to Fourteenth Street, thence northwestwardly in, upon and along Fourteenth Street to Beech Street.

(c) Also, beginning at a point on the east line of Outlot 17 of William Archer's Second Addition to the Town, now City, of Marshall, Illinois, which is six and five-tenths (6.5) feet north of the southeast corner thereof; thence northwestwardly to a point on the northerly line of Lot 16 of said Addition which is three hundred sixty-eight (368) feet distant measured southwestwardly along the northerly line of said lot from the northeast corner thereof.

(d) Also, Parcel Number 09-18-300-004, Original Number 13-09-18-00-300-004 which is described as: Part of the East $\frac{1}{2}$ of the Southwest Quarter of Section 18, Township 11 North, Range 11 West of the 2nd PM in the City of Marshall, Clark County, Illinois.

SECTION 3. The poles hereby authorized to be erected and maintained in the streets, alleys and other public places mentioned and described in Section 2 of this Ordinance, shall be not less than forty (40) feet in length, and may be suitably guyed at turns and other places where necessary, but such guy wires shall be so placed as not to interfere with the free use of said streets and alleys.

SECTION 4. All poles, wires and other equipment of the grantee shall at all times be maintained in accordance with the rules, regulations, specifications and orders of the Illinois Commerce Commission and National Electric Code. Said maintenance shall be in accordance with the reasonable directives of the City's Public Works Director, so long as such directives do not cause them to violate the ICC rules or National Electric Code. Ameren Illinois Company shall have the authority, after giving the City 30 days' notice with detailed description of work, to trim trees or other natural growth in proximity to any of its utility system or facilities that it deems reasonably necessary so as to reasonably prevent branches from coming in contact with its wires, cables, or other equipment.

SECTION 5. In consideration of the rights, privileges and authorities hereby conveyed to the grantee, said Ameren Illinois Company hereby consents and agrees that the City of Marshall shall have the right to place two cross-arms and necessary transformers on each of the poles of the two lines located as heretofore set forth in paragraphs (a) and (b) of Section 2 of this Ordinance. The topmost of said two cross-arms shall be placed no higher than four (4) feet below the lowest cross arm owned by Ameren Illinois Company and the second or lower cross arm shall be placed no higher than six (6) feet below the lowest cross arm owned by Ameren Illinois Company. Said cross-arms shall be used by the City for the stringing of wires thereon for the distribution by the City of electric energy, but no wire shall be located nearer than fifteen (15) inches to the center of

any pole. Said cross-arms shall be placed on said poles at the sole cost and expense of the City. Transformers shall be placed either on said cross-arms or on the pole itself immediately below the lower cross-arm and in a manner to least interfere with climbing.

SECTION 6. Ameren Illinois Company shall relocate its facilities at its expense to permit the widening, straightening, or any change of a street other than a change for aesthetic purposes, including but not limited to the addition of any acceleration, deceleration, center or side turn lanes, sidewalks, alleys, and like property, provided that the City of Marshall shall provide Ameren Illinois Company with at least 180 days' notice. If the City of Marshall receives a request for or itself initiates the abandonment of any Public Right-of-Way in which Ameren Illinois Company has facilities, Ameren Illinois Company shall be notified of such and given opportunity to comment about the impact of the proposed abandonment. Any such abandonment shall be conditioned on the grant of a utility easement for Ameren Illinois Company's right to continue its use of the former Public Right-of-Way. If the party to whom the Public Right-of-Way is abandoned requests Ameren Illinois Company to remove or relocate its facilities and Ameren Illinois Company agrees to such removal or relocation, such removal or relocation shall be done within a reasonable time at the expense of the party requesting the removal or relocation. If the City of Marshall requires Ameren Illinois Company to adapt or conform its facilities, or in any manner to alter, relocate, or change its property to enable any other entity that is not a part of the City of Marshall to use, or use with greater convenience, such Public Right-of-Way, Ameren Illinois Company shall not be bound to make such changes until such other entity shall have undertaken, with good and sufficient bond, to reimburse Ameren Illinois Company for any costs, loss, or expense which will be caused by or arises out of such change, alteration, or relocation of Ameren Illinois Company's property or facilities.

SECTION 7. All ordinances and parts of ordinances in conflict herewith are hereby repealed as of that date upon which this Ordinance shall take effect.

SECTION 8. All of the provisions contained in this Ordinance are declared to be for a public purpose, and are in the interests of the health, safety, and welfare of the general public.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage and approval and the filing in the office of the City Clerk of said City of Marshall of the written acceptance of said Ordinance by Central Illinois Public Service Company. Such acceptance shall be so filed within thirty (30) 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 authorities hereby granted and the obligations by the grantee hereby assumed.

	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	
Cathy Macke	✓	}		
Mark Strait	✓			
Warren J. Le Fever	✓			
James McKittrick	✓			
Cheryl A. Raisner	✓			
Tim J. Sanders	✓			
Vickie Wallace				✓
Michael Smitley	✓			

PASSED this 14 day of September, 2015.

APPROVED this 14 day of September, 2015.

Ramie Sanders
MAYOR

ATTESTED, filed in my office,
and published in pamphlet form
this 14 day of September, 2015.

CITY CLERK

(SEAL)