

ORDINANCE NO. 690

AN ORDINANCE AUTHORIZING ILLINOIS POWER COMPANY,
ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE AND
MAINTAIN AN ELECTRIC UTILITY SYSTEM IN THE VILLAGE OF
SOUTH JACKSONVILLE, COUNTY OF MORGAN AND STATE OF
ILLINOIS.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF
TRUSTEES OF THE VILLAGE OF SOUTH JACKSONVILLE COUNTY OF
MORGAN AND THE STATE OF ILLINOIS THAT:

Section 1. There is hereby given and granted to Illinois Power Company, its successors and assigns (hereinafter referred to as the "Company"), the right, privilege and authority to construct, operate, maintain and/or extend within the corporate limits, as the same now exists or may hereafter be extended, of the Village of South Jacksonville (hereinafter referred to as "Municipality"), an electric utility system for the manufacture, transmission, distribution and/or sale of electric energy, together with the right, privilege and authority to erect, construct, install, operate and/or maintain all poles, conductors, wires, cables, conduits, equipment and/or other apparatus as may be necessary or convenient for such system, in, upon, along, over, under, through and/or across each and all of the streets, avenues, alleys, bridges, easements, rights of way and/or other public places. Municipality further gives and grants to the Company the right, privilege and authority, at all times deemed necessary by the Company, to trim trees, or any portion of said trees, upon, along, over and/or across each and all of such streets, avenues, alleys, bridges, easements, rights of way and/or other public places in such a manner that there shall be proper clearance, in the determination of the Company.

Section 2. All poles, conductors, wires, cables, conduits, equipment and other apparatus erected, placed or installed under this Ordinance shall be located in streets, alleys or avenues wherever practicable so to do, and shall be located, whether on streets, alleys, avenues, bridges, easements, rights of way or other public places as not to interfere unreasonably with travel on such streets, alleys, avenues, bridges, easements, rights of way or other public places.

Section 3. All poles and conduits erected, placed or installed under this Ordinance shall be located as not to unreasonably injure any pavements, drains, sewers, catch basins, water pipes or other like improvements, but should any pavement, drain, sewer, catch-basin, water pipe, or other like improvement be unreasonably injured by such location, the Company shall forthwith repair the damage caused by said injury, at its own expense, to the reasonable satisfaction of Municipality. All overhead conductors, wires and cables shall be installed with sufficient height that will allow the Company to maintain all clearance requirements prescribed by the applicable Rules and Regulations of the Illinois Commerce Commission of the State of Illinois.

Section 4. When any street, avenue, alley, bridge, easement, right of way or other public place, upon which or in which any poles of the Company are located, shall be graded, curbed, paved or otherwise changed so as to make the resetting of such poles necessary, the Company shall make such necessary change. Should the Company desire to use conduits, or other similar equipment, the Company shall make application to Municipality for the establishment of permanent grades. Such conduits or other similar equipment shall not be installed until such permanent grades have been established. Municipality agrees to establish promptly such permanent grades upon such application.

Section 5. The rates to be charged by the Company for electric service rendered under this Ordinance shall be such as are approved from time to time by the Illinois Commerce Commission of the State of Illinois and/or such other duly constituted governmental authority as shall have jurisdiction thereof. All Rules and Regulations of the Illinois Commerce Commission of the State of Illinois applicable to the rights, privileges and authority granted by this Ordinance, in the event of conflict herewith, shall govern.

Section 6. As consideration for the rights, privileges and authority given and granted by this Ordinance, so long as the Company during the term hereof shall exercise such right, privilege and authority, the Company shall furnish, free of charge, sixty percent (60%) of Municipality's street lighting requirements, utilizing the Company's standard street lighting system, in the Company's service area within Municipality's corporate limits.

Section 7. The Company shall be exempt from any special tax, assessment, license, rental or other charge during the term of this Ordinance, on all poles, conductors, wires, cables, conduits, equipment and other apparatus placed in the streets, alleys, avenues, bridges, easements, rights of way or other public places within the corporate limits of Municipality.

Section 8. The Company shall defend, indemnify and hold harmless the Municipality from and against any and all claims, damages, liabilities, judgments, costs and expenses of any kind, whether suffered or incurred by the Company or Municipality or some other person, arising out of this Ordinance and by reason of any negligent act or omission of the Company, its officials, employees or agents; provided notice, in writing, is given to the Company together with all information, documents and/or evidence in possession of Municipality, its officials, employees or agents, relating to any such claim and Municipality, its officials, employees or agents, fully cooperates with the Company in defense of such claim.

Section 9. Municipality warrants that it has the authority to grant the rights, privileges and authority herein given and granted to the Company and that it has good and sufficient title to the streets, avenues, alleys, easements, rights of way, bridges and other public places where any poles, conductors, wires, cables, conduits, equipment and/or other apparatus is placed or erected under this Ordinance.

Section 10. All rights, privileges and authority given and granted by this Ordinance are granted for a term of fifty (50) years from and after the acceptance of this Ordinance as hereinafter provided (the "Initial Term"), and thereafter on a year-to-year basis (each a "Subsequent Term") unless either the Company or Municipality notifies the other in writing of its desire to terminate this Ordinance at least six (6) months prior to the expiration of the Initial Term or any Subsequent Term.

Section 11. No right, privilege or authority given or granted by this Ordinance shall become effective until there shall have been filed with the Village Clerk of said Municipality the written acceptance of this Ordinance by the Company. Such acceptance shall so be filed within ninety (90) days from the passage of this Ordinance and when so filed, shall, together, with operation by the Company under the terms of this Ordinance, constitute full consideration for the rights, privileges and authority hereby given and granted.

Section 12. All Ordinances, or parts of Ordinances, in conflict herewith are hereby repealed effective upon the effective date of this Ordinance.

Section 13. This Ordinance shall be in force and effect from and after its passage, acceptance and, if necessary, its recordation.

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES OF
THE VILLAGE OF SOUTH JACKSONVILLE, ILLINOIS, THIS
DAY OF September 19 , 19 91.


President


Village Clerk

SEAL

AYES: John Gotschall, Steve Waltrip, Don Gustine, Tom Holliday
NAYS: Gordon Jumper
ABSENT: Ed Heyer

ACCEPTANCE

Illinois Power Company, Grantee of the rights, privileges and authority granted by Ordinance No. 690, of the Village of South Jacksonville, Illinois, entitled "An Ordinance authorizing Illinois Power Company, its successors and assigns, to construct, operate and maintain an electric utility system in the Village of South Jacksonville, County of Morgan and State of Illinois," hereby accepts said Ordinance and all the provisions thereof.

In Witness Whereof, Illinois Power 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 And day of October, A.D. 19 91.

ILLINOIS POWER COMPANY

By Paul J. Haug
Vice President

(Corporate Seal)

Attest:



Secretary

STATE OF ILLINOIS)
COUNTY OF MORGAN) SS.
VILLAGE OF SOUTH JACKSONVILLE

I, Helen M. Evans Clerk of the Village of South Jacksonville, State of Illinois, do hereby certify that the foregoing is a true and correct copy of acceptance of Ordinance No. 690 of Village of South Jacksonville as therein described, the original of which acceptance was filed in the office of the Clerk of said Village on the 19th day of October 1991, and is now recorded among the original records thereof and that I am the keeper of the same.

Witness my hand and the official seal of said Village this 19th day of October, 1991.

Helen M. Evans

Village Clerk

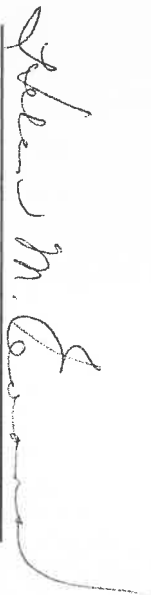
(SEAL)

C E R T I F I C A T E

STATE OF ILLINOIS)
) SS.
COUNTY OF MORGAN)

I, Helen M. Evans, the duly qualified and acting Village Clerk of the Village of South Jacksonville, in the County of Morgan, State of Illinois and the legal custodian of the records of said Village, do hereby certify that the foregoing is a true, correct and complete copy of Ordinance No. 690, entitled "An Ordinance authorizing Illinois Power Company, its successors and assigns, to construct, operate and maintain an electric utility system in the Village of South Jacksonville, County of Morgan and State of Illinois," passed at a meeting of the President and Board of Trustees of said Village held on the 19th day of September, A.D. 19 91, approved by the President of said Village on the day of September 19, A.D. 19 91, and recorded on the day of Sept. 19, A.D. 19 91, and said Ordinance appears from the records in my office.

Given under my hand and the corporate seal of said Village this 19th day of September, A.D. 1991.



Village Clerk

(Seal)

STATE OF ILLINOIS)
) SS
COUNTY OF MORGAN)

CERTIFICATE

I, HELEN M. EVANS, certify that I am the duly elected and acting Village Clerk of the Village of South Jacksonville, Morgan County, Illinois.

I further certify that on September 19, 1991 the corporate authorities of said Village passed and approved Ordinance No. 690 entitled:

AN ORDINANCE AUTHORIZING ILLINOIS POWER COMPANY ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE AND MAINTAIN AN ELECTRIC UTILITY SYSTEM IN THE VILLAGE OF SOUTH JACKSONVILLE, COUNTY OF MORGAN AND STATE OF ILLINOIS

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 690, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on October 19, 1991 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

Dated at South Jacksonville, Illinois this 19th day of

October, 1991.

(SEAL)


Helen M. Evans
Village Clerk