

(Company Owned Systems)

STREET LIGHTING CONTRACT ORDINANCE

NUMBER 422

AN ORDINANCE CONTRACTING WITH ILLINOIS POWER COMPANY, AN ILLINOIS CORPORATION, ITS SUCCESSORS AND ASSIGNS, FOR THE FURNISHING OF STREET LIGHTING IN THE VILLAGE OF SO. JACKSONVILLE COUNTY OF MORGAN STATE OF ILLINOIS.

WHEREAS, ILLINOIS POWER COMPANY, hereinafter designated as "Utility", has offered to furnish, operate and maintain upon certain streets, alleys, avenues and other public places within the Village of So. Jacksonville, hereinafter designated as "Municipality", a street lighting system in accordance with the provisions hereinafter set forth, and the acceptance of said proposal is deemed to be to the best interest of the Municipality and the Public.

NOW, THEREFORE, BE IT ORDAINED By the President and Board of Trustees
of the Village of South Jacksonville
COUNTY OF MORGAN, STATE OF ILLINOIS:

1. That Utility hereby agrees to furnish, operate and maintain a street lighting system for the lighting of streets, avenues and other public places within the Municipality. The street lighting system installed or to be installed by Utility hereunder shall be what is known as a series or multiple system. Utility will install, maintain and operate at locations designated by Municipality, additional street lights reasonably required for such street lighting purposes and ordered by Municipality during the term hereof by resolution duly adopted. The number and size of lamps to be operated shall be as determined by Municipality, subject to the conditions of this Contract Ordinance and to the Grantee's requirements for operating a series or multiple system.
2. That Municipality hereby agrees to purchase from Utility all the lighting service which Municipality shall require and use for street lighting in excess of such service supplied by Grantee pursuant to a certain franchise dated November 1, 1944, during the term hereof and to pay to Utility for such lighting service the amounts due for lights installed and operated under Utility's electric price schedule, Ill. C. C. No. 5 Sheet No. 54, 55, as now on file with or hereafter modified by order of the Illinois Commerce Commission. The initial installation of street lights in the street lighting system owned by the Utility, to be furnished, operated and maintained, pursuant to this Contract Ordinance shall be as follows:

<u>NUMBER</u>	<u>SIZE OF LAMPS</u>	<u>TYPE OF LIGHTS</u>	<u>ANNUAL BURNING SCHEDULE-HOURS</u>
21	2500 Lumen	Incandescent	4,000
46	4000 Lumen	Incandescent	4,000
22	20000 Lumen	Mercury Vapor	4,000
14	7300 Lumen	Mercury Vapor	4,000
2	11000 Lumen	Mercury Vapor	4,000

Terms of Payment:

Bills will be rendered monthly on the basis of the above rate, and Municipality shall pass and allow all such bills for service, which are presented by the Utility not less than 3 days before any regular meeting of the City Council or Board of Trustees, as the case may be, of the Municipality at such meeting, and shall further pay all bills so allowed within 10 days after the date of such allowance. Any bill not paid within 30 days after the date on which it is rendered, shall bear interest at the rate of 6% per annum from the date on which it is rendered.

3. That Municipality shall be indebted to Utility only in the amount or amounts represented by monthly charges for lamp operating service actually furnished hereunder and is under no obligation to receive or accept any minimum of service under this agreement.
4. That Utility agrees to make available to Municipality, during the term hereof, any revised general street lighting price schedule of Utility, that may become effective, and which would be more advantageous to the Municipality.
5. That the Utility owned street lights herein contracted for shall be located at such places within the municipal limits as the Municipality shall direct, and shall be installed on brackets approximately eighteen (18) feet from the ground. Should the Municipality during the term of this Contract Ordinance require the location of any light or lights to be changed, the cost of such change shall be borne by the Municipality.
6. That if Utility shall fail to operate the street lights as herein provided for, an amount proportional to the period of outage for number of lamps not burning shall be deducted from the monthly charge, provided, however, no deduction shall be made unless Utility shall fail to turn on the lights after written notification, or shall fail to replace burned-out lamps within twenty-four (24) hours after written notice from the Municipality.
7. That Utility shall endeavor to maintain adequate and continuous service, but does not guarantee that the supply of electric energy will, at all times, be constant, and it is agreed that temporary cessation of Utility's service hereunder, occasioned by acts of God, fire, explosion, strike, insurrection, mob violence, governmental interference, breakdown, or injury to machinery, transmission or distribution lines, or other accidents or causes not reasonably within its control, shall not constitute a breach of this contract on the part of Utility, and Utility shall not be liable to Municipality for any damages resulting from such temporary cessation of service.
8. That the poles, conductors, conduits and equipment placed by Utility in the streets, avenues, alleys and public places in the Municipality shall be exempt from any special tax, assessment, license or rental fee during the term of this Ordinance.
9. That this Contract Ordinance shall be in full force and effect for a term of **ten (10)** years, said term to commence when Utility accepts this Ordinance in writing, which said acceptance shall be filed within sixty

(60) days after the passage and approval of this Ordinance and this Ordinance when so accepted by Utility shall become a Contract between Municipality and Utility and shall continue in full force and effect during the term aforesaid.

10. That a certain ordinance entitled **Street Lighting Contract Ordinance No. 305, An Ordinance contracting with Illinois Power Company, an Illinois Corporation its successors and assigns, for the furnishing of street lighting in the Village of South Jacksonville, County of Morgan, State of Illinois.**

passed by the **President and Board of Trustees** of the **Village**
of **South Jacksonville**, Illinois on the **21st** day of **March** A.D. 19**63**,
and approved by the **President and Board of Trustees** on the **21st**
day of **March** A.D. 19**63**, be and the same is hereby repealed and of no further force and
effect.

11. That all provisions of this Contract which are obligatory upon or shall inure to the benefit of the Utility shall inure to the benefit of all successors and assigns of said Utility.

PASSED by the Board of Trustees of said
Village of **So. Jacksonville, COUNTY of Morgan**, STATE OF ILLINOIS,
this **15** day of **March** A.D. 19 **73**

APPROVED by the President of the Board of Trustees of said
Village of **So. Jacksonville, COUNTY of Morgan**, STATE OF ILLINOIS,
this **15** day of **March** A.D. 19 **73**

SEAL

(Title) **President of Board of Trustees**

ATTEST:


(Title) **Village Clerk**

STATE OF ILLINOIS
COUNTY OF MORGAN } SS

I, Walter Goodwin Clerk of the Village of South Jacksonville

COUNTY OF MORGAN STATE OF ILLINOIS, do hereby certify that the foregoing is
a true, correct and complete copy of a Street Lighting Contract Ordinance No. 422

duly passed by the President and Board of Trustees of said Village on the 15 day of
March A. D. 1973, the original of which said Ordinance is on file in my office.

I do hereby certify that I am the legal custodian of all papers, contracts, documents and records of
said Village ; that said Ordinance has been on file or published for the inspection of the
public, to the extent required by law and that said Ordinance has not been rescinded as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said

this 15 day of March A. D. 1973.

(SEAL)

Walter Goodwin Clerk
Village Clerk

Minutes of regular meeting of the President and Board of Trustees of the Village of South Jacksonville, Illinois, held on the 15 day of March 1973.

The President and Board of Trustees of the Village of South Jacksonville met in regular session at the Village Hall on the 15 day of March 1973 at 7:30 o'clock P.M. with President William J. Fanning presiding.

Upon calling the roll, the following Trustees were present:

Ford, Sullivan, Minor, Daffin and Stangley

and the following were absent:

None

There being a quorum present, the President declared that the meeting was ready for business.

Here the record reflects transactions other than that which concerns or affects the ordinance hereinafter recited for which purpose this certificate is furnished.

Thereupon Trustee Alfred Sullivan introduced a proposed ordinance granting to Illinois Power Company, an Illinois Corporation, its successors and assigns An Ordinance contracting for the Furnishing of Street Lighting in the Village of South Jacksonville, County of Morgan, State of Illinois, and moved that same be placed on first reading. Said motion was duly seconded by Trustee Harold Daffin.

On roll call said motion was adopted and was so declared.

The ordinance was then read and thereupon Trustee Alfred Sullivan moved that all rules of the Village which might prevent, unless suspended, the final passage and adoption of said ordinance, at this meeting, be, and they are hereby suspended, for the purpose of permitting the final passage and adoption of said ordinance at this meeting and that said ordinance be read for the second time by title only. Said motion was duly seconded by Trustee Harold Daffin. On roll call said motion was adopted and the ordinance was read for the second time by title only.

Thereupon, Trustee Alfred Sullivan moved that the ordinance be read again and brought before the Board for final passage. Said motion was duly seconded by Trustee Harold Daffin. On roll call said motion was adopted and was so declared.

Thereupon, after the reading of the Ordinance the President presented the question, Shall the proposed ordinance in favor of Illinois Power Company be passed as read, and ordered the ayes and nays to be called thereon. The result of the vote was as follows:

Ayes:	<u>5</u>	Total	<u>5</u>
Nays:	<u>0</u>	Total	<u>0</u>

Thereupon, the President declared said ordinance regularly and duly passed.

The Ordinance was assigned No. 422.

Minutes of regular meeting of the President and Board of Trustees of the Village of South Jacksonville, Illinois, held on the 15 day of March 1973.

The President and Board of Trustees of the Village of South Jacksonville met in regular session at the Village Hall on the 15 day of March 1973 at 7:30 o'clock P.M. with President William F. Fanning presiding.

Upon calling the roll, the following Trustees were present:

Ford, Sullivan, Minor, Clifton and Douglas

and the following were absent: None

There being a quorum present, the President declared that the meeting was ready for business.

Here the record reflects transactions other than that which concerns or affects the ordinance hereinafter recited for which purpose this certificate is furnished.

Thereupon Trustee Robert Sullivan introduced a proposed ordinance granting to Illinois Power Company, an Illinois Corporation, its successors and assigns An Ordinance contracting for the Furnishing of Street Lighting in the Village of South Jacksonville, County of Morgan, State of Illinois, and moved that same be placed on first reading. Said motion was duly seconded by Trustee James Clifton.

On roll call said motion was adopted and was so declared.

The ordinance was then read and thereupon Trustee Robert Sullivan moved that all rules of the Village which might prevent, unless suspended, the final passage and adoption of said ordinance, at this meeting, be, and they are hereby suspended, for the purpose of permitting the final passage and adoption of said ordinance at this meeting and that said ordinance be read for the second time by title only. Said motion was duly seconded by Trustee James Clifton. On roll call said motion was adopted and the ordinance was read for the second time by title only.

Thereupon, Trustee Robert Sullivan moved that the ordinance be read again and brought before the Board for final passage. Said motion was duly seconded by Trustee James Clifton. On roll call said motion was adopted and was so declared.

Thereupon, after the reading of the Ordinance the President presented the question, Shall the proposed ordinance in favor of Illinois Power Company be passed as read, and ordered the ayes and nays to be called thereon. The result of the vote was as follows:

Ayes:	<u>5</u>	Total	<u>5</u>
Nays:	<u>0</u>	Total	<u>0</u>

Thereupon, the President declared said ordinance regularly and duly passed.

The Ordinance was assigned No. 422.

ILLINOIS POWER COMPANY
 SCHEDULE OF RATES FOR ELECTRIC SERVICE

SERVICE CLASSIFICATION 45
 Municipal Street Lighting Service

1. Availability:

This classification is available to any city, village, town, or to any park district situated within or adjacent to any city, village or town (hereafter called 'Municipality'), in which Utility is rendering electric service under an ordinance granting Utility the privilege of occupying the streets, alleys, and other public places in said municipality for the purpose of transmission, distribution, and sale of electric service, and under the specific limitations herein provided, to other municipalities (i.e., cities, villages and towns in which Utility does not have a franchise), individuals, schools, private corporations and citizen groups.

2. Class of Service:

Utility will furnish the classes of service described below, each at the corresponding base rates per lamp per year, billed monthly, as indicated in the table of base rates per lamp per year set forth below, including maintenance, depreciation, electric energy requirements, and replacements of lamps and other glassware as required on systems owned and operated by Utility, but only including electric energy requirements and lamp replacements on systems owned and operated by municipality.

- Class A - Incandescent lamps on standard overhead wood pole construction, owned and operated by Utility.
- Class B - Incandescent lamps on standard overhead concrete pole construction or on existing metal pole construction, owned and operated by Utility.
- Class C - Either incandescent or mercury vapor lamps, owned and operated by Municipality.
- Class D - Mercury vapor lamps on standard overhead wood pole construction, owned and operated by Utility.
- Class E - Mercury vapor lamps on standard overhead concrete pole construction or on existing metal pole construction, owned and operated by Utility.

* 3. Rates

(a) Base Rates per Lamp per Year:

(To be billed at one-twelfth the following amounts each month)

4000 hours per year burning schedule including all hours of darkness

Size	Class A	Class B	Class C	Class D	Class E
† 1000 Lumen	\$17.	\$	\$13.	\$	\$
† 2500 Lumen	23.	36.	18.		
4000 Lumen	30.	42.	24.		
6000 Lumen	40.	56.	32.		
7300 Lumen			33.	55.	
† 10000 Lumen	54.	72.	42.	67.	92.
11000 Lumen			44.	69.	102.
20000 Lumen			69.	110.	182.
37000 Lumen			132.	154.	204.
55000 Lumen					

† Not available for new installation except where such installation will be within or immediately adjacent to a street lighting system of the same size lamps.

* Asterisk indicates change.

Issued December 11, 1970

Effective January 11, 1971

Issued by H. G. Meenen,
 Senior Vice President
 Decatur, Illinois

ILLINOIS POWER COMPANY
SCHEDULE OF RATES FOR ELECTRIC SERVICE

SERVICE CLASSIFICATION 45 - PAGE 2
(1) Contract Term Discount:

The above base rate shall be subject to a discount of ten per cent (10%) for a contract ordinance term of ~~ten years~~ or more.

(2) Quantity Discounts:

Further discounts in respect of and based upon quantity of service token, shall be allowed as follows:

For the first \$ 50.00 of the foregoing charges per month, no discount.
For the next \$150.00 of the foregoing charges per month, 3% discount.
For the next \$700.00 of the foregoing charges per month, 5% discount.
For all over \$900.00 of the foregoing charges per month, 10% discount.

(b) Additional Charges

Where Utility agrees to install, operate, and maintain facilities other than those facilities used in standard overhead street lighting installations, Customer shall pay an annual charge equal to 15% of the estimated installed cost of such additional facilities. The charges provided for hereunder shall be in addition to those charges provided for in Paragraph 3(a) hereof and shall be payable monthly at a rate equal to 1/12 of such annual charge.

4. Term of Contract:

Utility shall not be requested to provide or install street lighting systems and facilities or furnish service under the terms of this schedule, unless a contract ordinance of Municipality authorizes service under said schedule for a period of not less than five years from the date of request for such installation is received.

* 5. Service to Non-Franchise Municipalities and Other Customers:

The rates provided herein without contract term or quantity discounts shall be available to individuals, schools, governmental agencies, corporations, and citizen groups in areas served by Utility owned systems operated under municipal contract ordinance, provided such parties shall contract with Utility to take service of the same character and burning schedule as rendered to Municipality and to take such service for a period of five years or for the unexpired term of the municipal contract ordinance effective in said area. Utility shall not be required to initiate such service when the unexpired term of such municipal contract ordinance is less than two years.

The rates provided herein without contract term or quantity discounts, shall be available to individuals, schools, governmental agencies, corporations, and citizen groups contracting to take street lighting service from Utility for not less than a five year period, in areas where Utility owns and operates suitable electric service facilities, and where such service is not furnished to the community under municipal contract ordinance.

The foregoing terms and limitations shall also apply to street lighting service in municipalities in which Utility has no currently effective franchise.

NOTE: This schedule is subject to the Standard Terms and Conditions of Service set forth on Sheet No. 2 hereof.

* Asterisk indicates change.

Issued October 14, 1969

Effective November 13, 1969

Issued by H. G. Meenen,
Senior Vice President
Decatur, Illinois