



LEGAL DIVISION
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Memorandum

DATE: September 19, 2003
TO: Mayor Satterthwaite and the Urbana City Council
FROM: Steve Holz
RE: Proposed Ordinance Regarding Public Rights of Way

Attached to this memorandum is a rather lengthy ordinance proposing changes to Chapters 20 and 22.5 of the Code of Ordinances. The overall thrust of the changes is to deal in a comprehensive way with various issues relating to obstruction, use, and compensation for use of public property and the public rights of way.

A little background is useful. Chapter 20 of the Code of Ordinances currently contains a Chapter 20, entitled "Streets, Sidewalks and Other Public Places". That Chapter contains several articles dealing with:

- (I) miscellaneous matters under the heading "In General";
- (II) a provision giving authority to the Director of Public Works over enforcement of provisions relating to the public ways;
- (III) construction of sidewalks;
- (IV) various types of obstructions of the right of way by storage of merchandise, use of building materials, and changing of water courses;
- (V) curb cuts;
- (VI) visibility triangles; and
- (VII) the street lighting system.

All of these provisions would remain as currently written, with the exception of the provisions contained in Article IV, which deals with obstructions. Under the proposal, the provisions of Article IV would be moved, with various changes, to a new article in Chapter 20, Article VIII, to be entitled "Obstructions, License Agreements, Permits, and Compensation for Use of the Public Rights of Way and City Property".

In addition, the proposed ordinance would delete the entirety of Chapter 22.5, entitled "Telecommunications". The entirety of Chapter 22.5 was added to the Code of Ordinances in 1997 in the wake of the passage, by the United States government, of the Cable and Telecommunications Act of 1996, which mandated certain standards of treatment to telecommunications providers seeking to enter the rights of way. Shortly after the city's passage of Chapter 22.5, the State of Illinois passed a law entitled the "Municipal Infrastructure Maintenance Fee Act" which took away from the cities most of their authority to impose franchising and licensing requirements on telecommunications providers seeking to enter the rights of way. Almost immediately, the validity of the Municipal Infrastructure Maintenance Fee Act was challenged by some wireless telecommunications providers in the Illinois courts. As a consequence of the passage of that Act and the legal challenge, the city never implemented any of the provisions of Chapter 22.5. Eventually, the Illinois Supreme Court overturned the Municipal Infrastructure Maintenance Fee Act. The State legislature responded with the "Simplified Municipal Telecommunications Tax Act". The city now operates under that Simplified Tax Act with respect to telecommunications providers that operate within the city. As a consequence, most of Chapter 22.5 is now obsolete. However, the city retains the authority to regulate the use of its rights of way via ordinances of general application, in particular with respect to maintenance of the rights of way and engineering standards.

In addition, while Illinois State law now prohibits municipalities from requiring license or franchise agreements from telecommunications providers, municipalities retain the authority to require license or franchise agreements from non-telecommunications uses of the rights of way. Agreements of that nature have recently been approved by the City Council with respect to the use of the rights of way by Conxxus and by Howard Wakeland, a private property owner seeking to connect some of his buildings with fiber optics. In both of those cases, the city entered into license agreements allowing the user to occupy the public rights of way for a fee based on the linear footage of rights of way that is used.

The proposed ordinance is an attempt to consolidate that approach with existing provisions regarding obstruction of the rights of way.

With that background, the following provides an overview of the proposed ordinance.

1. Section 20-130 defines the scope and purpose of the ordinance, and essentially reaches to all use or occupation of the public rights of way by any physical facility, except where superseded by State or Federal law, or superseded by agreements already in place. It contains an exception allowing the city to enter into

agreements with other governmental entities or utilities on terms other than those proposed in the ordinance.

2. Section 20-131 contains a general statement (in subparagraph (a)) addressing obstruction of the rights of way without the consent of the city. The other subparagraphs of Section 20-131 consist of the existing Sections 20-44 through 20-47, which are proposed to be moved to this new section, with various changes and revisions. In essence, those subparagraphs deal with construction activity and special events, use of the rights of way for moving or loading merchandise or personal property, and changing the currents of water courses or ditches.

3. Section 20-132 requires that all license agreements for use of the rights of way be approved by the City Council. Exceptions would include various types of temporary occupations of the rights of way set forth elsewhere in the Article.

4. Section 20-133 contains a general authorization for the Director of the Public Works Department to implement regulations for the use of the rights of way consistent with the ordinance.

5. Section 20-134 provides for the Director of Public Works to give temporary permits to use the city streets or public property for construction-related purposes, for up to 180 days, and to give permission for other temporary uses of the streets or special events. The permits contemplated by this section would not require further action by the City Council.

6. Section 20-135 contains a comprehensive listing of the various types of minimum requirements for license agreements. All of these minimum requirements are adapted from provisions that were recently approved by the City Council and the Conxxus and Wakeland license agreements, or are carried over from the general right of way regulation language that is presently contained in Chapter 22.5. In particular, it is worth highlighting the following:

Subparagraph (e) (on page 5 of the proposed ordinance) dictates annual payments to the city in the amount of \$1.57 per lineal foot of licensed property beginning January 1, 2002. This figure matches the per lineal foot price that the City of Champaign receives. Note that the ordinance calls for the amount to be adjusted annually in relation to the Consumer Price Index. Note also that the date used in the attached proposal needs to be updated, as well as (most likely) the actual dollar figure. The intention is for this ordinance to match exactly what is being charged in the City of Champaign.

Subparagraph (w) (page 10 of the proposed ordinance) deals with the location of facilities above or below ground. In essence, the thrust of this section is to prefer, at all times, location of facilities underground. Where other facilities are located above ground, and there is space on poles for additional wires, those wires can be run above ground on existing space on the poles, subject to the requirement that if the previously existing utilities are required to move

underground, the licensee is required to move its own facilities underground at the same time, and at its own expense.

7. Lastly, Section 20-136 addresses a situation where an entity fails to obtain a required license agreement for use of the rights of way. This section mandates the presumption that, by entering the right of way and occupying it contrary to the ordinance, the user of the right of way has impliedly agreed to a contract between the city and the user, in accordance with the ordinance, and subjects that user to fees that are double the amount that the user would otherwise be charged under the ordinance for a license agreement. This concept is borrowed from the City of Champaign, which has had a provision similar to this on the books for some years. The most significant difference between the proposed ordinance here and Champaign's language is that Champaign's language calls for triple fees, while Urbana's calls for double.

8. Lastly, note that this ordinance does not propose any technical or engineering standards for the use of the rights of way. That would be left, as it is now, to the expertise of the Public Works Department.

ORDINANCE NO. 2003-08-091

This Ordinance:

requires

does not require

an amendment to the Code of Ordinances.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES
REGARDING OBSTRUCTIONS, LICENSE AGREEMENTS,
PERMITS, AND COMPENSATION
FOR USE OF PUBLIC PROPERTY AND THE PUBLIC RIGHTS OF WAY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS,
as follows:

Section 1. That Chapter 20 of the Urbana Code of Ordinances, entitled “Streets, Sidewalks and Other Public Places,” is hereby amended to delete Article IV, entitled “Obstructions” and to reserve Article IV for future use.

Section 2. That Chapter 20 of the Urbana Code of Ordinances, entitled “Streets, Sidewalks and Other Public Places,” is hereby amended to add a new Article VIII, “Obstructions, License Agreements, Permits, and Compensation for Use of the Public Rights of Way and Public Property,” as follows:

**ARTICLE VIII. OBSTRUCTIONS, LICENSE AGREEMENTS,
PERMITS, AND COMPENSATION FOR USE OF THE PUBLIC
RIGHTS OF WAY AND CITY PROPERTY.**

Sec. 20-130. Scope and Purpose.

- (a) This Article applies to the placement on or continued occupation of the public rights of way and City property by physical facilities, materials, and equipment of any type, whether on the surface or above or below ground, belonging to any person or entity.
- (b) The purpose of this Article is to establish guidelines for use of the rights of way and public property and to establish compensation to the City of Urbana for regulating the use and occupation of the rights of way and public property.
- (c) Nothing about this Article is intended to supersede agreements already in force, or to supersede other provisions of the Code of Ordinances, or to supersede any laws or regulations, state or federal, that preempt

regulation by the City.

- (d) Nothing about this Article shall be construed to prevent the City from entering into agreements with other governmental entities or utilities for use or occupation of the rights of way and public property on terms other than those set forth in this Article.

Sec. 20-131. Prohibition of obstructions, utilities or equipment in right-of-way.

- (a) *In General.*

No utilities, pipeline, poles, wires, fiber-optic cable, conduits, materials, ditches, drains, track, or other equipment or physical appurtenances of any nature, whether permanent or temporary, of any public utility company, municipal corporation or any other public or private corporation, association or person shall be located or placed for a period of time greater than four (4) hours or constructed upon, under, over or along any City right of way or any City property without first obtaining the written consent of the City as provided for in this Article.

- (b) *Construction Activity and Special Events.*

[EDITORIAL NOTE: This section is proposed to be moved, with substantial revisions, from section 20-46.]

No person shall encumber or obstruct any street or alley with materials or equipment of any kind or character for any type of construction or special event, without the permission of the Director of Public Works in writing in accordance with this Article. No such obstruction shall continue in any case for a longer time than shall be necessary for the diligent and prompt completion of such construction or setup and teardown of such special event.

- (c) *Moving, Loading or Unloading Merchandise or Personal Property.*

[EDITORIAL NOTE: This section is proposed to be moved, with substantial revisions, from sections 20-44 and 20-45.]

No person shall obstruct or encumber any public property or public right of way or any portion thereof with merchandise or personal property for a longer time than may be reasonably necessary for the purpose of loading or unloading any merchandise or property, or removing the same therefrom. No person shall obstruct or encumber

any street, alley or sidewalk so as to hinder, delay or render passage along the same difficult or unsafe in any other manner whatsoever. No such obstruction shall continue in any case for a longer time than shall be necessary in the diligent and prompt loading and unloading of such merchandise or personal property. Violation of this section shall be an offense. In addition, all merchandise and personal property left unattended upon the rights of way or City property may be treated as abandoned property by the City in accordance with applicable laws. This section shall not be construed to require a permit for placing merchandise on any street, alley or sidewalk for the purpose of loading or unloading such merchandise in a diligent and prompt manner.

(d) *Changing Current of Watercourse or Obstructing Ditches, etc.*

[EDITORIAL NOTE: This section is proposed to be moved *verbatim*, with the additional reference to drainage designs per subdivision plat, from section 20-47.]

Any person who shall, within the city, dam up or obstruct or change the natural current of any watercourse or shall dam up or obstruct any ditch, sewer, drain, culvert, or drainage as per design of a subdivision plat, except with permission of the city engineer, shall be guilty of an offense.

Sec. 20-132. City Council Approval Required.

Except as otherwise provided in this Article, City Council approval, in the form of an ordinance authorizing the execution of a license agreement, is required for any person or entity to use City right of way or other property for the placement, location, or storage of utilities, pipeline, poles, wires, fiber-optic cable, conduits, materials, ditches, drains, track, or other equipment or physical appurtenances of any nature, whether permanent or temporary, upon, under, over or along City rights of way or other City property.

Sec. 20-133. Director of Public Works to promulgate regulations.

The Director of Public Works is authorized to promulgate reasonable rules, regulations and specifications for the use of City streets or other City property not inconsistent with this article.

Sec. 20-134. Consent to temporarily occupy right-of-way.

- (a) The Director of Public Works is empowered to issue a right-of-way occupancy permit for any use of City streets or other public property for periods no longer than one hundred eighty (180) days for construction-related purposes. Such permit may not be issued until the Director of Public Works has received proof of insurance, or in the alternative, proof of an established formal program of self-insurance administered by a professional risk manager, in content and amounts satisfactory to the Director of Public Works.
- (b) The Director of Public Works is empowered to promulgate reasonable regulations for special events to be held on the public rights of way or City property, and to issue permits for such events.
- (c) Upon expiration of the permit, the right-of-way and City property shall be restored to the same or better condition as before the permit was issued. If a person fails to obtain a permit or if the permit holder fails to restore the right-of-way or City property as required after notice by the Director of Public Works to do so, the City may restore the right-of-way and charge the whole cost thereof to the person holding the permit or occupying the right-of-way or City property. Such costs shall include, but not be limited to, an overhead charge based on the personnel and equipment involved in administering this section, as determined in writing by the City Comptroller. The amount so charged shall be billed to said person. The amount shall be paid to the City within twenty-eight (28) days after the date of the bill.

Sec. 20-135. Minimum requirements of License Agreements.

The minimum requirements for an agreement referred to in section 20-132, in addition to such other provisions determined by the City to be necessary or convenient for the protection of the public health, safety, and welfare, are as follows:

- (a) Agreement. No license granted hereunder shall be effective until the applicant and the City have executed a written agreement setting forth the particular items and provisions under which the license to occupy and use rights-of-way or public property will be granted and said agreement is properly recorded pursuant to Illinois law.

- (b) Location. The license shall specify the length and width, and depth if determined necessary by the Director of Public Works, of licensed property and include an accurate map of the exact location.
- (c) Term. The term of the license shall not exceed twenty-five (25) years.
- (d) Plans and specifications. The plans and specifications shall be subject to the approval of the Director of Public Works and all ordinances and regulations of the City. The Licensee shall be required to provide, to the Director of Public Works, accurate maps of all work as built. The maps shall be provided promptly after completion of work or stages of work, and shall be provided in both printed (“hard copy”) form as well as in an electronic format to be specified by the Director of Public Works and which shall be compatible with the City’s Geographic Information System (“GIS”) database.
- (e) Compensation.
 - (1) Annual payments shall be made to the City in the amount of one dollar and fifty-seven cents (\$1.57) per lineal foot of licensed property. The amounts set for compensation shall, on January first of each year beginning January 1, 2002, be adjusted by the Consumer Price Index published by the United States Department of Labor, Chicago area, all items for all urban consumers, or other generally recognized index which succeeds the Consumer Price Index. Such adjustment shall be calculated from time to time, as needed, by the Chief Administrative Officer or designee.

Compensation for uses involving surface cuts to paved surfaces such as streets and alleys, may be set at a rate higher than the per-lineal-foot rate set forth above. Compensation for all uses, including but not limited to structures, that occupy broader, non-linear, areas, or may be set on the basis of square footage of area occupied.

- (2) A licensee may agree separately with the University of Illinois to locate all or a portion of its facilities in steam tunnels and other passages or conduits maintained by the University in the City of Urbana’s Right-of-way. In such case, a license agreement under this Article shall still be required, but the annual compensation to the City of Urbana for those portions of the facilities that are located in steam tunnels, passages or conduits maintained by the University shall be based on a charge of one dollar per lineal foot for the year beginning January 1, 2002, and annually adjusted by the Consumer Price

Index, or an amount equal to the amount charged to the licensee by the University of Illinois, whichever is greater. Annual compensation for those facilities not in steam tunnels, passages, or conduits maintained by the University of Illinois shall be as set forth in subparagraph (1) above.

- (f) *Transfer.* The license granted pursuant to this article may not be transferred without the express written consent of the City.

- (g) *Installation and maintenance.* The license shall require the licensee to comply with all ordinances or regulations of the City. The licensee shall be required to promptly restore any pavement disturbed in the course of construction as well as any non-pavement surface. Such restoration shall be to the satisfaction of the Director of Public Works. The license shall require the licensee to pay to the City any costs occasioned to the City because of the licensee's failure to promptly restore.

- (h) *Removal.* The license shall require the licensee to remove the equipment, facilities, and related appurtenances upon termination of the license at the licensee's expense.

- (i) *Indemnification.* The license shall require the licensee to defend, indemnify and hold the City and its employees, officers, attorneys, agents, and contractors harmless from and against any claims, suits, or actions of any kind brought against the City arising from any alleged claims, acts, or omissions in connection with the license, whether or not a claim, suit, or action is filed unless such claim, suit, or cause of action was based solely upon the negligence of the City, its employees, officers, attorneys, agents, or contractors. Additionally, the license shall require the licensee to indemnify and hold the City harmless from any sums the City becomes obligated to pay as penalties, awards, damages, fees, costs, and expenses arising out of such circumstances except to the extent such sums are due to the negligence of the City, or the City's employees, officers, attorneys, agents, or contractors.

- (j) *Insurance.* The license shall require the licensee to maintain insurance in content and amounts satisfactory to the Director of Public Works or in the alternative, an established formal program of self-insurance administered by a professional risk manager.

- (k) *Bond.* The license shall require the licensee to post a surety bond by a surety licensed to do business in Illinois in an amount deemed appropriate by the Director of Public Works, given the nature and scope of the project, but no less than ten thousand dollars (\$10,000.00), conditioned on the payment of all money and compliance with all other obligations under the license.
- (l) *Non-exclusivity.* The license shall be non-exclusive. No license granted under this authority shall confer any exclusive right, privilege, or license to occupy the rights-of-way or City property for any purpose.
- (m) *Rights granted.* No license granted under this authority shall convey any right, title, or interest in rights-of-way or City property but shall be deemed a license only to use and occupy the right-of-way or City property for the limited purposes and term stated on the grant. No license granted under this authority shall be construed as any warranty of title.
- (n) *Construction permits.* The license shall require the licensee to obtain construction permits and pay all generally applicable fees as required by the City, provided, however, that nothing in this section shall prohibit the City and a licensee from agreeing to alternative plan review, permit and construction procedures in a license agreement, provided such alternative procedures provide substantially equivalent safe-guards for reasonable construction practices.
- (o) *Amendment of grant.* The license shall require that:
1. A new license application and grant shall be required of any licensee that desires to extend or locate its facilities in rights-of-way or City property which are not included in a license previously granted hereunder.
 2. If a licensee is ordered by the City to locate or relocate its facilities in rights-of-way or City property not included in a previously granted license, the City shall grant a license amendment to that extent without further application.
- (p) *Sec. 22.5-53. Renewal application.* The license shall require that if the licensee desires to renew its license hereunder the licensee shall, not more than one hundred eighty (180) days nor less than ninety (90) days before expiration of the current license, file an application

with the city for renewal of its license which shall include the following information:

- (1) The applicable information required pursuant to the license application.
 - (2) Any other information required by City.
- (q) Sec. 22.5-55. *Obligation to cure as a condition of renewal.* The license shall provide that it shall not be renewed until any ongoing violations or defaults in the licensee's performance of the license agreement of the requirements of this chapter and all applicable laws, statutes, codes, ordinances, rules and regulations have been cured or a plan detailing the corrective action to be taken by the licensee has been approved by the Director of Public Works or designee.
- (r) Sec. 22.5-122. *Interference with the rights-of-way and property.* The license shall require that the licensee must locate and maintain its facilities, equipment, and appurtenances so as not to unreasonably interfere with the use of the rights-of-way, City property, or private property by the city, by the general public or other persons authorized to use or be present in or upon the rights-of-way, City property, or private property. All such facilities, equipment and appurtenances that fail to comply with this requirement shall be moved by and at the expense of the licensee, temporarily or permanently, as determined by the City. If the licensee fails to promptly move them they may be moved by the City at the licensee's expense.
- (s) Sec. 22.5-127. *Relocation or removal of facilities.* The license shall require that, within thirty (30) days following written notice from the City, the licensee shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any of its facilities within the rights-of-way or City property whenever the chief administrative officer or designee shall have determined that such removal, relocation, change or alteration is reasonably necessary for:
- (1) The construction, repair, maintenance, or installation of any City or other public improvement in or upon the rights-of-way or City property.
 - (2) The operations of the City or other governmental entity in or upon the rights-of-way or City property.
 - (3) The vacation of a public street or alley or the release of an easement, provided, however, that the city may in appropriate circumstances allow the vacation of a public street or alley to remain subject to the easement.

- (4) The use of the right of way or public property for its intended purpose, including, without limiting the generality of the foregoing, use of the rights of way or property for moving structures such as buildings from one location to another.
- (t) Sec. 22.5-128. Removal of unauthorized facilities. The license shall require that, within thirty (30) days following written notice from the city, any licensee that controls, owns, or maintains any unauthorized facility or related appurtenances within the rights-of-way or City property shall at its own expense, remove such facilities or appurtenances from the rights-of-way or City property. The license shall further require that, if such licensee fails to remove such facilities or appurtenances, the Director of Public Works may cause the removal and charge the licensee for the costs incurred. The license shall provide that the facilities and related appurtenances are unauthorized and subject to removal in the following circumstances:
- (1) Upon expiration or termination of the license.
 - (2) Upon abandonment of a facility within the rights-of-way or City property.
 - (3) If the system or facility was constructed or installed without the prior grant of a license or franchise.
 - (4) If the system or facility was constructed or installed without the prior issuance of a required construction permit.
 - (5) If the system or facility was constructed or installed at a location not permitted by the licensee's license or franchise.
 - (6) Any such other reasonable circumstances deemed necessary by the City's Chief Administrative Officer or designee in order to protect public health, safety and welfare.
- (u) Sec. 22.5-130. Emergency removal or relocation of facilities. The license shall require that the City retains the right and privilege to cut or move any facilities located within the rights-of-way as the city may determine to be necessary, appropriate or useful in response to any public health or safety emergency.
- (v) Sec. 22.5-131. Damage to licensee's facilities. The license shall require that, unless directly and proximately caused by the willful and malicious acts of the City, the City shall not be liable for any damage to or loss of any facility within the rights-of-way as a result of or in connection with any public works, public improvements,

construction, excavation, grading, filling, or work of any kind in the rights-of-way by or on behalf of the City.

(w) Location of Facilities above or below ground.

The license may not provide for the location of facilities including but not limited to poles, wires, cables, rails, conduit, or equipment of any kind overhead or above ground, except in accordance with all of the following:

- (1) No facilities may be placed above ground except as expressly authorized by the license agreement and as detailed in the map accompanying the agreement, and in accordance with this section.
- (2) The license shall require that the licensee may install overhead facilities on pole attachments to existing utility poles only, and then only if surplus space is available. Except for temporary, emergency situations, and then only upon the approval of the Director of Public Works, wherever overhead facilities do not exist in a public right-of-way, or wherever such facilities exist but have no surplus space, a licensee shall locate its facilities underground only.
- (3) The license shall require that whenever all existing telephone, electric utilities, cable facilities or telecommunications facilities are located underground within rights-of-way, a licensee with written authorization to occupy the same rights-of-way must also locate its facilities underground.
- (4) The license shall require that whenever all new or existing telephone, electric utilities, cable facilities, telecommunications facilities or other facilities and utilities are located or relocated underground within rights-of-way, a franchisee or licensee that currently occupies the same rights-of-way shall concurrently relocate its facilities underground at its expense.

(x) Notices. The license shall specify that notices to the City are to be addressed to the Director of Public Works and to the Chief Administrative Officer. The license shall specify at least one address and officer for the licensee for receipt of notices by the licensee, and shall require that notice addressed to that person shall suffice as notice to the licensee. In addition, whether or not so stated in the license, notice to the licensee's registered agent shall suffice as notice to the licensee.

Sec. 20-136. Implied agreement.

Any person or entity maintaining utilities, pipeline, poles, wires, fiber-optic cable, conduits, materials, ditches, drains, track, or any other equipment or physical appurtenances upon, under, over, or along City rights of way or City property without the written consent of the City in accordance with this Article shall, in addition to other penalties provided for herein, be irrebutably presumed to have consented to the formation of a contract between the City and that person or entity for the time period when no express written consent of the City was in effect. The provisions of section 20-135 shall be deemed to have been in effect except that the City may direct immediate removal of such equipment and except that the compensation for the time period where no express written consent was in effect shall be double the cost referred to in section 20-135.

Section 3. That Chapter 22.5 of the Urbana Code of Ordinances, entitled “Telecommunications,” is hereby deleted in its entirety, and is reserved for future use.

Section 4. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this ____ day of _____, _____.

AYES:

NAYS:

PRESENT:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this ____ day of _____, _____.

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the ____ day of _____, _____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES REGARDING OBSTRUCTIONS, LICENSE AGREEMENTS, PERMITS, AND COMPENSATION FOR USE OF PUBLIC PROPERTY AND THE PUBLIC RIGHTS OF WAY," which provided by its terms that it should be published in pamphlet form.

The pamphlet form of the Ordinance was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, _____, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this ____ day of _____, _____.

(SEAL)

Phyllis D. Clark, CITY CLERK