

ELECTRIC CONTRACT ORDINANCE

NUMBER 7172-11

AN ORDINANCE CONTRACTING WITH ILLINOIS POWER COMPANY, AN ILLINOIS CORPORATION, ITS SUCCESSORS AND ASSIGNS, FOR THE FURNISHING OF ALL ELECTRIC ENERGY REQUIRED BY THE CITY OF URBANA, COUNTY OF CHAMPAIGN, STATE OF ILLINOIS, FOR THE OPERATION OF ITS STREET LIGHTING SYSTEM, LIGHTING OF ITS CITY BUILDINGS AND OTHER MISCELLANEOUS PURPOSES.

WHEREAS, THE CITY OF URBANA, hereinafter designated as 'Municipality,' has a Street Lighting System, City Buildings, Traffic Lights, Subway Pumps and off street parking lots, etc. and will require electric energy for operation thereof, and

WHEREAS, ILLINOIS POWER COMPANY, hereinafter designated as 'Utility,' has submitted a proposal for supplying the electric energy; and the acceptance of such proposal is deemed in the public interest and to the advantage of the Municipality.

NOW, THEREFORE, BE IT ORDAINED by the CITY COUNCIL of the CITY of URBANA, COUNTY OF CHAMPAIGN, STATE OF ILLINOIS:

1. That Utility hereby agrees to furnish to Municipality and Municipality agrees to accept from Utility electric energy in the form of alternating current of frequency of approximately sixty cycles and a potential of approximately 4000 & 120/240 volts, all requirements of Municipality for the operation of its Street Lighting System, lighting of its City Buildings and other miscellaneous purposes.

2. That Municipality further agrees it will not use the electric energy herein contracted for under any condition or for any other purpose than provided herein, and that it will not resell any of this energy for any purpose whatsoever without the written consent of Utility.

3. That from and after the beginning of the delivery of electric energy hereunder and during the term of this Contract, Utility agrees to furnish to Municipality and Municipality agrees to pay to Utility, all in accordance with Utility's Electric Price Schedule III. C. C. No. 2, Sheet Nos. 49, 58, 58.1 & 63, as now filed with the Illinois Commerce Commission, or as reissued and made effective from time to time as provided by law, and that all electric energy purchased for street lighting purposes shall be subject to the provisions of paragraph No. 6 of Franchise Ordinance passed and approved by the City Council of Municipality Jan. 6, 1969

4. That Municipality shall be indebted to Utility only in the amount or amounts represented by monthly charges for electric energy actually furnished hereunder and is under no obligation to receive or accept any minimum of service under this Contract.

5. That Utility agrees to extend its lines to the premises of Municipality and to furnish and install all equipment necessary for the purpose of delivery and controlling the energy taken by Municipality up to the point of delivery, which point of delivery shall be where Utility's service wires connect with Municipality's outlet or service wires. The point of metering shall be at the location of the Utility's owned and installed meter.

The locations shall be as shown on Exhibit "A" attached hereto and made a part hereof.

herein established as point or points of delivery where such electric energy shall be metered, delivered and accepted, provided, that at any time during the term hereof, to meet changes in operations of the properties of either party, any point of delivery may be changed, discontinued, or additional points established by agreement, which shall be in writing, of the duly authorized representatives of Municipality and Utility.

6. That Utility will endeavor to maintain adequate and continuous supply of electric energy, but does not guarantee that the supply will, at all times, be constant; and it is agreed that temporary cessation of Utility's supply of electric energy 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 the Utility and Utility shall not be liable to Municipality or any person or corporation whomsoever for any damages resulting from such temporary cessation of such supply.

7. That the poles, conductors, conduits and equipment placed by Utility in the streets, avenues, alleys and public places in Municipality shall be exempt from any special tax, assessment, license or rental fee during the term of this Contract Ordinance.

8. 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 Contract Ordinance in writing, which said acceptance shall be filed within sixty (60) days after the passage and approval of this Contract Ordinance, and this Contract 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.

9. That Utility shall not be liable for any loss or damage to property or injury or death of person whether suffered by Municipality, its agents or employees or by any third person, persons or corporation, resulting from the location, use or operation of electric or other equipment located on Municipality's side of the point of delivery heretofore mentioned or from electric energy present therein or escaping therefrom, nor shall Utility be liable for loss by reason of fire on premises of Municipality from any cause and Municipality shall indemnify and save Utility harmless from all such loss, damage, injuries or deaths.

10. That a certain Ordinance entitled AN ORDINANCE CONTRACTING WITH ILLINOIS POWER COMPANY, AN ILLINOIS CORPORATION, ITS SUCCESSORS AND ASSIGNS, FOR THE FURNISHING OF ALL ELECTRIC ENERGY REQUIRED BY THE CITY OF URBANA, COUNTY OF CHAMPAIGN, STATE OF ILLINOIS, FOR THE OPERATION OF ITS STREET LIGHTING SYSTEM, LIGHTING OF ITS CITY BUILDINGS AND OTHER MISCELLANEOUS PURPOSES.

passed by the City Council of the City of Urbana, Illinois, on the 20th day of February, A.D. 19 56 and approved by the Mayor on the 23rd day of February, A.D. 19 56, be and the same is hereby repealed and of no further force and effect.

11. That all provisions of this Contract shall inure to the successors and assigns of Utility.

PASSED by the Mayor & City Council of said City of Urbana, COUNTY OF Champaign, STATE OF ILLINOIS, this 17th day of May, A.D. 19 71.

APPROVED by the Mayor & City Council of said City of Urbana, COUNTY OF Champaign, STATE OF ILLINOIS, this 17th day of May, A.D. 19 71.

(SEAL)
ATTEST: Duane Eduly

Charles M. Gypnot

city clerk
(Title)

Mayor
(Title)

EXHIBIT "A"

LOCATIONS TO WHICH ELECTRIC ENERGY IS
DELIVERED TO THE CITY OF URBANA, ILLINOIS

STREET LIGHTING

<u>Address or Locations</u>	<u>Address or Locations</u>	<u>Address or Locations</u>
800 Blk. S. Lincoln	206 S. Gregory	Civic Center
Western & McCullough	Flossie Wiley School Dr.	Green & Goodwin
1500 S. Broadway	Goodwin & Hill	Wright & University
710 E. Washington	707 S. Cedar	Race & Main
1903 Philo Road (Rear)	Orchard & Michigan	City Dump
Vine Street Subway	504 S. Webber	208 N. Race
Race & Griggs	Coler at Main	206 E. Water
115 W. Elm (Rear)	304 N. Harvey	210 W. Elm
505 Fairlawn Dr.	404 S. Coler	123 W. Water
Oregon, N. of Vine	Goodwin & Green	Dump Ground
208 E. Water	Race & Holmes	City Building
1306 S. Maple	<u>Miscellaneous</u>	Police Dept.
1405 E. Main	Green & McCullough	Pistol Range
Church, E. of Lincoln	Oregon & Race	Vine & Pennsylvania
Cureton Dr.	Green & Webber	1000 N. Broadway
Vermont & Race	Main & Webber	Orchard & Florida
Lynn & Green	City Library	309 S. Lincoln
Busey & University	Coler & University	120 W. Main
400 S. Broadway (Rear)	Birch & Washington	Wiley School (Rear)
903 W. Main (Rear)	Goodwin & University	City Dump

Address or Locations

Miscellaneous (Continued)

1504 E. Main

University & Hickory

Fire Department

S. of Fallon's Cleaners

115 W. Elm (Rear)

301 S. Vine (Rear)

710 S. **Glover**

Lincoln & University

Illinois, Walnut & Vine

Broadway & Park

Vine & Illinois

Vine & Main

Police Firing Range

2103 Philo **Road**

Ill. C. C. No. _____	5
Fifth Revised Sheet No. _____	2
Cancelling Ill. C. C. No. _____	5
Fourth Revised Sheet No. _____	2

ILLINOIS POWER COMPANY
SCHEDULE OF RATES FOR ELECTRIC SERVICE

STANDARD TERMS AND CONDITIONS

The Standard Terms and Conditions set forth below, and Ill. C. C. No. 10 - Rules, Regulations and Conditions applying to Electric Service apply to all pertinent electric service classifications and riders thereto herein contained, except that where provisions not consistent herewith or with the above mentioned Rules, Regulations and Conditions are set out in individual Service Classifications and Riders, the provisions of the Service Classifications and Riders shall govern.

1. Terms of Payment:

- (a) Customers' bills will be rendered at net rates and will be distributed at monthly intervals bearing the date on which net payments are due, namely not less than 10 days after date distributed. Accounts not paid in full within 10 days will be subject to an additional charge of 2%.
- (b) Upon request by Customer, Utility will waive the additional charge of 2% on bills not paid within the net payment period, provided such requests are not made more often than once in each half-calendar year.
- (c) Because of statutory or other requirements incidental to their fiscal operations, Federal, State, County and Municipal governments including public school districts or any other political subdivision created under Federal or State Laws and supported by public taxation, will be allowed a period of 30 days from date of bill during which time payment may be made on a net basis. Such accounts not paid in full within 30 days will be subject to an additional charge of 2%.
- (d) The additional charge of 2% provided for in subparagraphs (a), (b) and (c) above shall not be in lieu of or affect the Utility's right to collect interest as provided by law or by contract on account of failure of the customer to pay charges when they become due and payable.

* 2. Additional Charges for Excess State Public Utility Tax:

State Public Utility Tax in excess of 3 percent on electric service will be added to net billing as provided in Section 36 of the Act concerning public utilities as amended by House Bill 1182 passed during the 1965 session of the Illinois State Legislature.

3. Additional Charges for Service in Certain Communities:

Whenever and so long as any municipal or quasi-municipal corporation shall require the Utility to pay a consideration for any franchise or privilege, or shall tax Utility as may be provided by law and if such consideration or tax is based on a percentage of Utility's gross earnings or gross receipts from electric service to customers within the territorial limits of such taxing bodies, the charge for service to each customer within such territorial limits which would otherwise be made shall be increased (by separate billing item or items) by the same percentage or amount plus such additional percentages or amounts to cover costs of accounting, the resulting increases in other taxes and other matters as may be permitted by law.

4. Resale, Standby and Auxiliary Service:

Energy supplied to any customer under Ill. C. C. No. 5 is not available for Resale, Standby or Auxillary Service, except where expressly provided for by the Service Classification under which such customer takes service.

5. Exclusive Source of Power:

Service shall not be available to any customer at any location where customer purchases electric energy from any other source than Utility.

* Asterisk indicates change.

ILLINOIS POWER COMPANY
SCHEDULE OF RATES FOR ELECTRIC SERVICE

SERVICE CLASSIFICATION 41
Miscellaneous Municipal Electric Service

1. Availability:

This classification is available to any city, village or town (hereinafter called 'Municipality'), in which Utility is rendering electric service under a satisfactory franchise ordinance for a period of not less than 20 years, granting Utility the privilege of occupying the streets, alleys and other public places in said Municipality, for the purpose of transmission, sale and distribution of electric service. This schedule is not applicable to resale, standby or auxiliary service.

2. Base Rates:

<u>Kilowatt hours (kwh) used in any one month</u>	<u>Charges</u>
For the first 1,000 kwh	2.0¢ per kwh
For the next 2,000 kwh	1.5¢ per kwh
For the next 2,000 kwh	1.0¢ per kwh
For all over 5,000 kwh	.9¢ per kwh

* The above charges are subject to the fuel cost adjustment provided in Rider F.

(a) 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.

(b) Minimum Charge:

The monthly minimum charge shall be the cost of service actually taken during such month, computed at the charges herein provided.

3. Terms of Contract:

Service shall not be provided hereunder by Utility unless contract ordinance is passed by Municipality authorizing service to be furnished for a period of not less than ten (10) years, or the then remainder of the term of the existing electric franchise.

4. Terms and Conditions:

Service hereunder will be furnished at Utility's standard primary or secondary voltage, at Utility's option.

The combining of meter readings at different locations, and/or at different voltages, for billing purposes, is permitted under this schedule where it is impractical, in the opinion of Utility, to meter all service taken by the Municipality at a single point.

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

* Asterisk indicates addition.

ILLINOIS POWER COMPANY
SCHEDULE OF RATES FOR ELECTRIC SERVICE

RIDER A

Municipal Tax Additions

Pursuant to the provisions of Section 36 of the Act concerning public utilities, as amended authorizing certain additional charges for services rendered in municipalities imposing the tax authorized by Section 8-11-2 of the Illinois Municipal Code, the Company will add the percentages shown below opposite the names of such municipalities to all net billings (which shall include the percentage addition for Excess Public Utility Tax shown on Rider AA) for electricity furnished for use or consumption and not for resale, and for all services rendered in connection therewith, within the corporate limits of such municipalities (except items of such billings resulting from transactions not subject to such tax). The effective date for such additions will coincide with the date upon which the gross receipts from such billings become subject to tax. The amount of the additions will be separately designated on each customer's bill as "Municipal Tax" or by a similar legend.

<u>Name of Municipality</u>	<u>Percentage Addition to Billings</u>	<u>Effective Date</u>
East Carondelet	3.36%	January 1, 1956
Mt. Olive	5.73%	October 1, 1957
Cherry	5.73%	January 4, 1961
Brooklyn	5.73%	August 21, 1961
Urbana	3.36%	May 1, 1968
Champaign	3.08%	November 1, 1964
Steeleville	3.36%	October 1, 1963
Cambridge	2.56%	November 1, 1962
Keithsburg	5.73%	March 15, 1964
Normal	5.73%	July 1, 1965
Valmeyer	5.73%	May 1, 1966
Maryville	3.36%	June 1, 1966
East Galesburg	5.73%	June 1, 1970
Newark	5.73%	November 1, 1966
Dawson	5.73%	February 6, 1967
Galesburg	3.60%	July 1, 1970
Shawneetown	5.73%	September 1, 1967
Arlington	5.73%	October 1, 1967
Centreville	5.73%	September 1, 1969
Cahokia	5.73%	November 1, 1969
Buffalo	5.73%	September 25, 1970
* Pontoon Beach	5.73%	December 18, 1970

*Indicates addition.

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Ill. C. C. No. 5
Second Revised Sheet No. 58.1
Cancelling Ill. C. C. No. 5
First Revised Sheet No. 58.1

ILLINOIS POWER COMPANY
SCHEDULE OF RATES FOR ELECTRIC SERVICE

RIDER AA

Excess State Public Utility Tax

Pursuant to the provisions of Section 36 of the Act concerning public utilities as amended, authorizing certain additional charges for services rendered in the State of Illinois on account of the addition of State Public Utility Tax in excess of 3 percent, the Company will add such excess to all net billings for electricity furnished for use or consumption and not for resale, and for all services rendered in connection therewith (except items of such billing resulting from transactions not subject to such tax). The percentage additions to all billings subject to the State Public Utility Tax and the date on which such billings will become effective are as follows:

<u>Percentage Addition</u>	<u>Effective Date</u>
*2.00%	Meter readings taken on and after August 1, 1967

* Asterisk indicates change

Issued July 27, 1967

Effective August 1, 1967

Issued by H. G. Meenen,
Chairman of the Finance Committee
Decatur, Illinois

Ill. C. C. No. 5
Fourth Revised Sheet No. 63
Cancelling Ill. C. C. No. 5
Third Revised Sheet No. 63

ILLINOIS POWER COMPANY
SCHEDULE OF RATES FOR ELECTRIC SERVICE

RIDER F
FUEL COST ADJUSTMENT

* Applicable to Service Classifications 1, 2, 3, 11, 12, 41, 42 and Rider H.

The charges for energy set forth in the above service classifications shall be increased or decreased at a rate of .011 cents per KWH for each increase or decrease of one cent or major fraction thereof in the average cost, above or below a base cost of 24 cents per million British thermal units (Btu), for energy in fuel converted into electric energy supplied to Utility's system.

Adjustments hereunder for any month shall be made on the basis of average fuel costs during the first two of the immediately preceding three calendar months.

* Asterisk indicates change.

Issued February 8, 1971

Effective March 10, 1971

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

Form 152-10
7M-10-45

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

I, Duane Eckerty Clerk of the City of Urbana

COUNTY OF CHAMPAIGN STATE OF ILLINOIS, do hereby certify that the foregoing is
a true, correct and complete copy of an Electric Contract Ordinance

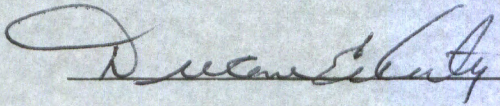
duly passed by the City Council of said City on the 17th day of
May A. D. 19 71 , the original of which said Ordinance is on file in my office.

I do hereby certify that I am the legal custodian of all papers, contracts, documents and records of
said Ordinance ; 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
City of Urbana this 2nd day of June A. D. 1971 .



(SEAL)

 _____ Clerk

ACCEPTANCE OF ELECTRIC CONTRACT ORDINANCE

To the Mayor and City Council of the City of Urbana, Champaign County, Illinois.

The Illinois Power Company, for itself, its successors and assigns, hereby accepts in writing, the Ordinance and all rights and privileges therein granted, passed by the Mayor and City Council of the City of Urbana, Illinois on the 17th day of May, 1971, and approved by the Mayor of said City on the 17th day of May, 1971

designated as Ordinance No. 7172-11, and entitled: "AN ORDINANCE CONTRACTING WITH ILLINOIS POWER COMPANY, AN ILLINOIS CORPORATION, ITS SUCCESSORS AND ASSIGNS, FOR THE FURNISHING OF ALL ELECTRIC ENERGY REQUIRED BY THE CITY OF URBANA, COUNTY OF CHAMPAIGN, STATE OF ILLINOIS, FOR THE OPERATION OF ITS STREET LIGHTING SYSTEM, LIGHTING OF ITS CITY BUILDINGS AND OTHER MISCELLANEOUS PURPOSES."

This acceptance is executed and filed as provided in Section 8 of said Ordinance and said Company hereby agrees to all the terms and conditions of said Ordinance.

Dated at Monticello, State of Illinois, this 10th day of June, 1971.

Attest:

[Signature]
Secretary

ILLINOIS POWER COMPANY
By [Signature]
Assistant to the President

STATE OF ILLINOIS)
COUNTY OF CHAMPAIGN) ss.
CITY OF URBANA)

I, Duane Eckley Clerk of the City of Urbana, State of Illinois, do hereby certify that the foregoing is a true and correct copy of acceptance of Ordinance No. 7172-11, of the City of Urbana as therein described, the original of which acceptance was filed in the office of the Clerk of said City on the 22nd day of June 1971, and is now recorded among the original records thereof and that I am keeper of the same.

Witness my hand and the official seal of said City this 22nd day of June, 1971.

[Signature]

(SEAL)

City Clerk

ILLINOIS POWER COMPANY



41 EAST UNIVERSITY AVE., CHAMPAIGN, ILLINOIS 61820

April 15, 1971

The Honorable Charles M. Zipprodt
Mayor of Urbana
402 S. Vine St.
Urbana, Illinois

Dear Sir:

Enclosed for consideration by the City Council are copies of an Electric Service Contract Ordinance and a Street Lighting Contract Ordinance.

We are already providing electric service to the City at various locations throughout the community. The Electric Service Contract Ordinance is our authorization to provide this service. The previous contract ordinance which we had for this service has lapsed.

The Street Lighting Contract Ordinance authorizes us to provide energy and lamp replacement for the City street lights in the Dr. Ellis Subdivision.

Yours respectfully,

ILLINOIS POWER COMPANY

A handwritten signature in dark ink, appearing to read 'Dennis E. Kopp', written over a horizontal line.

Dennis E. Kopp
Assistant to the Manager

js

enclosure