

ELECTRIC ORDINANCE 12132017-A

**AN ORDINANCE AUTHORIZING THE CITY OF ROCHELLE, ILLINOIS,  
ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE AND  
MAINTAIN AN ELECTRIC LIGHT AND POWER SYSTEM IN AND THROUGH  
THE VILLAGE OF HILLCREST, OGLE COUNTY, ILLINOIS**

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF HILLCREST, OGLE COUNTY, ILLINOIS, as follows:

**SECTION 1.** That the right, permission and authority be and the same are hereby granted to the City of Rochelle, Illinois (an Illinois Municipal corporation, its successors and assigns, hereinafter referred to as the “Grantee”), to construct, operate and maintain in and through the Village of Hillcrest (hereinafter referred to as the “Municipality”), in the County of Ogle, and State of Illinois, for a term of ten (10) years, a system for the production, transmission, distribution and sale of electricity or lighting, heating, power and other purposes within and outside the corporate limits of the municipality, and to construct, operate and maintain all such poles, wires, conduits and other apparatus and equipment as may be necessary or convenient for such system in, upon, along, over, across, above and under each and all of the streets, alleys, avenues and other public places in the Municipal subject to the conditions and regulations hereinafter set forth.

**SECTION 2.** All poles and wires erected hereunder shall be placed in alleys whenever practicable so to do, and shall be so placed, whether on streets, alleys, avenues or other public place as not to interfere unnecessarily with travel on such streets, alleys, avenues or other public places, and shall be erected under the supervision of the Building and Zoning Administrator or agent as the Village Board of the Municipality may from time to time designate. All poles erected under this ordinance shall be not less than thirty (30) feet in height, and shall be so located as not to injure unnecessarily any drains, sewers, catch basins, water pipes, pavements, or other public improvements, but should any drain sewer, catch basin, water pipe, pavement or other like public improvement be injured by such location, the Grantee shall forthwith repair the damage caused by such injury to the satisfaction of the committee on Streets and alleys of the Municipality, or such other duly authorized agent, and so default thereof the Municipality may repair such damage and charge the of labor and material thereof to, and collect the same from the Grantor.

Said Committee on Streets and Alleys, or such other duly authorized agent, of the Municipality, is hereby authorized and directed to call upon the Grantee to, and the Grantee any of its own accord cause the trees growing upon or overhanging all of the streets, alleys, avenues and other public places in the Municipality upon which electric light or power lines are erected hereunder to be trimmed from time to time in such manner that there shall be a proper clearance between the nearest wires on said lines and any portion of the trees. Said trees shall be so trimmed that none of the branches, twigs, or leaves on said trees shall come in contact with or interfere with the wires or other equipment upon said lines. Said trees shall be trimmed under the supervision of

said committee on Streets and Alleys, or such other duly authorized agent, of the Municipality, by and at the expense of the Grantee.

All abandoned poles shall be removed as soon as the use thereof is discontinued. All poles shall be set when possible in straight lines so far as practicable, and all overhead wires, conductors and cables shall, so far as practicable, and be in compliance with the NESC clearances over roads, alley, driveways, pools and sidewalks.

The Municipality shall have the right to the use of one cross arm of the poles of the Grantee for the police and fire alarm service wires of the Municipality, provided that any such cross arms and wires of the Municipality shall be so placed and maintained by the Municipality, under the direction of the Grantee, as not to interfere with the wires of said Grantee.

Whenever the Grantee needs necessary easements on the property line of lots or otherwise, the Municipality shall assist the Grantee in obtaining the necessary easements from the property owners involved. The easements shall not exceed twenty (20) feet in width.

The Grantee shall be subject to all reasonable regulations which may now or hereafter be prescribed by general ordinance of the Municipality with respect to the use of public streets, alleys, avenues and other public places of the Municipality.

**SECTION 3.** When at any time hereafter any house or building shall be moved by permission of the Municipality, or its proper officers, along, across or upon any of the streets, alleys, avenues or other public places of the Municipality, the Grantee, its successors and assigns, shall upon receiving written notice from the Municipality to the affect, and within twenty-four (24) hours after receiving such written notice, so cut, remove or adjust its said wires or poles that the same will in no way interfere with the moving of any such house or building provided, however, that such cutting, removing and adjusting of said wires and poles shall be done at such time of the day or night as will least interfere with the public use by the Grantee of such wires and poles for the benefit of the inhabitants of the Municipality and the successful operation of the Grantee's electric light and power system. All questions of said wires and poles to be cut, removed, or readjusted for the any purpose shall be decided by the Municipality, or its proper officers, and such decision shall be final.

**SECTION 4.** The Grantee shall indemnify, become responsible for, and forever save harmless the Municipality from any and all judgments, damages, decrees, costs and expenses, including attorney's fees, which the Municipality may legally suffer or incur or which may be legally obtained against the Municipality for or by reason of the use and occupation of any street, alley, avenue or other public place in the Municipality by the Grantee pursuant to the terms of this ordinance or legally resulting from the exercise by the Grantee of any of the privileges herein granted.

**SECTION 5.** After the passage of this ordinance and within thirty (30) days after passage, this ordinance, if accepted, shall be accepted by the Grantee by its filing with the City Clerk of the Municipality an unconditional written acceptance hereof, to be duly executed according to law, and a failure of the Grantee to so accept this ordinance within said period of time shall be deemed a rejection hereof by the Grantee, and the rights and privileges herein granted shall after the expiration of said period of thirty (30) days, if not so accepted, absolutely cease and determine, unless said period of time shall be extended by the Municipality by ordinance duly passed for that purpose and before the expiration of said period of thirty (30) days.


**SECTION 6.** All provisions of this ordinance which are obligatory upon, or which inure to the benefit of, said City of Rochelle shall also be obligatory upon and shall inure to the benefit of any and all successors and assigns of said corporation, and the word "Grantee" whenever appearing in this ordinance shall include and be taken to mean not only said City of Rochelle, but also each and all of such successors and assigns.

**SECTION 7.** This ordinance, if accepted by the Grantee as hereinabove provided be in full force and effect on after as soon as council approves and shall from and after effective date, supersede, cancel and be in lieu of any and all other existing or prior grants of right, permission and authority to said Grantee or any predecessor, companies or assignors of the Grantee, to construct, operate and maintain any system for the production, transmission, distribution and sale of electricity for lighting, heating, power and other purposes within this Municipality.

PASSED BY THE VILLAGE BOARD OF TRUSTEES, VILLAGE OF HILLCREST,  
ILLINOIS,


THIS 13 DAY OF December 2017.

  
\_\_\_\_\_  
Village Clerk

  
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Village President

(SEAL)

ATTEST:

  
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I, Patricia Moreno, Clerk of said Village of Hillcrest, Ogle County, Illinois do hereby certify that the above and foregoing Franchise Ordinance passed by the President and Board of Trustees of the Village of Hillcrest on the date aforesaid.

Patricia Moreno  
Village Clerk