

ORDINANCE NO. 09-09

AN ORDINANCE

EXTENDING THE AUTHORIZATION TO

Central Illinois Light Company
d/b/a AmerenCILCO

ITS SUCCESSORS AND ASSIGNS

TO CONSTRUCT, OPERATE AND MAINTAIN
A GAS UTILITY SYSTEM

IN THE

Village of Tolono

COUNTY OF CHAMPAIGN

AND

STATE OF ILLINOIS

PASSED June 5, 2010

EXPIRES June 5, 2030

ORDINANCE NO. 09-09

AN ORDINANCE RENEWING AN EXISTING FRANCHISE AND GRANTING FOR A PERIOD OF 20 YEARS TO AMERENCILCO, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE, RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, EXCAVATE FOR, PLACE, REMOVE, EXTEND, MAINTAIN, AND OPERATE A GAS UTILITY SYSTEM IN THE VILLAGE OF TOLONO, COUNTY OF CHAMPAIGN AND STATE OF ILLINOIS.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF TOLONO, COUNTY OF CHAMPAIGN, AND THE STATE OF ILLINOIS, AS FOLLOWS:

SECTION 1. It is the intent of the parties by this Ordinance to extend for an additional term, subject to the terms and conditions here stated, the authorization to AmerenCILCO, its successors and assigns, to construct, operate and maintain a utility system within the village as originally authorized by an Ordinance approved on January 4, 1960. . The parties acknowledge that by so doing they are continuing an existing relationship authorizing the services of a utility for the provision of gas energy and other purposes within the village for the benefit of its citizens and residents as well as other consumers of gas energy located within its corporate limits.

SECTION 2. There is hereby given and granted to AmerenCILCO, 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 Tolono (hereinafter referred to as "Municipality"), a gas utility system for the transmission, distribution and/or sale of gas energy and other purposes (the "System"), together with the right, privilege and authority to lay, erect, construct, install, operate and/or maintain all necessary mains, pipes, valves, equipment and/or other apparatus as may be necessary or convenient for the 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.

SECTION 3. All mains, pipes, valves and apparatus shall, so far as practicable, be placed underground and shall be so located and laid as not to interfere with any pipes, conduits, sewers, drains, pavements or other public improvements existing at the time of such location, and said Company shall forthwith repair any damage caused to such improvements to the satisfaction of the official or officials of said Municipality having charge of the supervision thereof. There shall be no unnecessary obstruction to the streets, avenues, alleys and public places of said Municipality in the laying, installation, operation or maintenance of any of said mains, pipes, valves or apparatus. All facilities of Company in said Municipality shall be installed and maintained in accordance with the applicable rules and regulations of the Illinois Commerce Commission.

SECTION 4. When any street, avenue, alley, bridge, easement, right of way and/or other public place, upon which or in which any facilities of Company have been placed, shall be graded, curbed, paved or otherwise changed by the Municipality so as to make the resetting or reconstruction of such facilities necessary, Company shall make such necessary change in construction at no cost to Municipality. Should it become necessary or should the Company desire to use conduits or other similar fixtures, Company shall make application to the Municipality for the establishment of permanent grades and such conduits or other similar fixtures shall not be installed until such permanent grades have been established. The Municipality agrees to establish promptly such permanent grades upon such application.

SECTION 5. The rates to be charged by the Company for gas 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 a further consideration for the rights, privileges and authorities granted by this ordinance, the Company shall, throughout the period in which Company shall exercise the rights, privileges and authority granted by this ordinance furnish to the said Municipality, compensation in the amount of \$6,635, payable annually, within 30 days of the anniversary date.

SECTION 7. The rights, privileges and authority hereby granted shall inure to and be vested in Company, its successors and assigns, successively, subject to all of the terms, provisions and conditions herein contained, and each of the obligations hereby imposed upon Company shall devolve and be binding upon its successors and assigns, successively, in the same manner.

SECTION 8. This Ordinance shall confer no right, privilege or authority on Company, its successors or assigns, unless Company shall within ninety (90) days after due notice to the Company of the enactment of this Ordinance, file with the Village Clerk an acceptance of the terms and provisions hereof; provided, however, that if such acceptance be not so filed within said period of ninety (90) days, all rights, privileges, and authority herein granted shall become null and void.

SECTION 9. All rights, privileges and authority given and granted by this Ordinance are granted for a term of 20 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 10. The Municipality acknowledges that Company is vested in rights, permissions and authority independent of this Ordinance. Neither acceptance of this Ordinance nor compliance with its provisions shall impair in any way or waive any right, permission or authority which Company may have independent of this Ordinance. In addition, neither use by Company of public property or places as authorized by this Ordinance nor service rendered by Company in said Municipality shall be treated as use solely of the rights, permission and authority provided for by this Ordinance and in no way shall indicate non-use of any right, permission or authority vested in the Company independent of this Ordinance. In the event the Municipality vacates any streets, avenues, alleys, easements, rights of way, bridges or other public places during the term of this Ordinance, Municipality agrees to reserve unto Company the rights, privileges and authority herein given and granted to the Company in upon, under, along, over and across each and all of such vacated premises which are at that time in use by the Company.

SECTION 11. All ordinances and parts of ordinances in conflict with this Ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

SECTION 12. This Ordinance shall not relieve Company of the obligation to comply with any ordinance now existing in the Municipality or enacted in the future requiring Company to obtain written permits or other approval from the Municipality prior to commencement of construction of facilities within the streets thereof, except Company shall not be required to obtain permits or other approval from the Municipality for the maintenance, upgrading and repair of its facilities.

SECTION 13. If any provision of this Ordinance, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this Ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

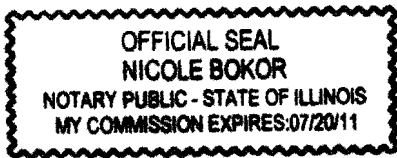
SECTION 14. If, at any time, during the term of this contract, Municipality permits another entity or person to provide gas distribution or similar services, and Company reasonably believes the other entity or person is granted more favorable treatment, terms, or conditions, then Company shall notify Municipality of such treatment, terms, or conditions. Upon receipt of such notice, Municipality and Company shall negotiate in good faith to amend this ordinance to provide Company such more favorable treatment, terms or conditions on an equivalent basis. Such amendment shall take into consideration all circumstances that distinguish between Company and entity or person receiving the more favorable treatment, terms, or conditions.

SECTION 15. The Company shall be exempt from any special tax, assessment, license, rental or other charge during the term of this Ordinance, on all mains, pipes, valves, equipment and other apparatus placed under the streets, alleys, avenues, bridges, easements, rights of way or other public places within the corporate limits of Municipality.

SECTION 16. This Ordinance shall take effect and the rights, privileges and authority hereby granted and renewed shall vest in Company upon its filing of an acceptance with the Village Clerk according to the terms prescribed herein and as provided for in Section 12 and in IL Rev 35 ILCS 645/5-4. This Ordinance shall be in full force from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

Passed and approved this 5th day of June, 2010

[SEAL]



Kurt Black
President
Village of Tolono, Illinois

ATTEST:

Dorie L. Phillips
Village Clerk

STATE OF ILLINOIS)
VILLAGE OF TOLONO) SS
COUNTY OF CHAMPAIGN)

I, Dixie L Phillips, Village Clerk within and for the Village of Tolono, in the State and County aforesaid, do hereby certify that:

(1) the foregoing constitutes a full, true and correct copy of Ordinance No. 09-09 of said Village as:

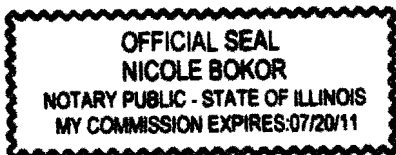
(a) introduced before the Board of Trustees on the 4th day of August, 2009; and

(b) passed by the Board of Trustees and approved by the President on the 4th day of August, 2009 as fully as the same appears of record in my office;

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tolono, Illinois, at my office in said Village this 5th day of June, 2010.

[SEAL]

Dixie L Phillips
Village Clerk



ACCEPTANCE

AmerenCILCO, Company of the rights and privileges granted by Ordinance No. 09-09 of the Village of Tolono, Illinois, passed Aug. 4, A.D. 2009 approved Aug. 4, A.D. 2009 and entitled "An Ordinance extending the authorization to Company, its successors and assigns, to construct, operate and maintain a utility system in the Village of Tolono, County of Champaign and State of Illinois", hereby accepts said Ordinance and all the provisions thereof.

In Witness Whereof, AmerenCILCO, Company 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 6th day of July, A.D. 2010.

AmerenCILCO

By SA Cisel
Scott Cisel
President

(Corporate Seal)

Attest:

[Signature]
Assistant Secretary

**VILLAGE OF TOLONO
CHAMPAIGN COUNTY, ILLINOIS**

ORDINANCE NO. 2011-0- 3

**AN ORDINANCE REGULATING PARKING
AT THE TOLONO MAIN STREET PARKING LOT**

Passed and Published in Pamphlet form by authority of the President and Board of Trustees
of Tolono, Champaign County, Illinois this 21st day of June 2011.

ORDINANCE NO. 2011-0- 3
AN ORDINANCE REGULATING PARKING
AT THE TOLONO MAIN STREET PARKING LOT

WHEREAS, The Board of Trustees of the Village of Tolono, "Village," is charged with the health, care and welfare of its citizens; and

WHEREAS, The Village owns and maintains a public parking lot known as the "Tolono Main Street Parking Lot" located on Main Street in the Village of Tolono, Illinois and legally described as Lot 12 and the East Half of Lot 11 of William Redhead's Subdivision of the West Half of Block 24 of the Original Town of Tolono, and the West Half of the South Half of Lot 4 of Block 24 of the Original Town of Tolono, in the County of Champaign and State of Illinois; and

WHEREAS, the Village desires to provide for public use of the Tolono Main Street Parking Lot subject to certain restrictions that minimize any negative impact on the surrounding community and allow for other uses of the Lot as required by the Village; and

WHEREAS, The Board has considered the input of its Police Department and members of the public and has contemplated the impact of regulation of the property and, at a public meeting held this date, has determined it necessary and appropriate to enact the within Ordinance regulating the use of said Lot.

NOW, THEREFORE be it hereby ordained as follows:

Title 10 "Vehicles and Traffic" of the Village of Tolono Revised Code of Ordinances is hereby amended to additionally include the following provision:

"10.30 Parking in the Tolono Main Street Parking Lot. The parking of motor vehicles at the Tolono Main Street Parking Lot located at 114 Main Street Tolono, Illinois is permitted subject to the following restrictions:

- a. Such parking shall be limited to licensed motor vehicles which are in proper working order.
- b. Parking shall be permitted on all days except that no parking shall be permitted between the hours of 2:00 a.m. and 5:00 a.m. each day.
- c. Motor vehicles shall be allowed to park no more than 3 consecutive days with each such period separated by at least one day of such vehicle not being parked in said Lot.
- d. No more than one vehicle owned in entirety or in part by an individual or an entity may be parked in said Lot at any given time.
- e. Parking in said Lot may be prohibited by order of the Chief of Police posted at least 48 hours prior to said prohibition and shall be pursuant to such times and restrictions as posted.
- f. No trailers of any kind shall be permitted to park in said Lot.
- g. The only exceptions to the within restrictions shall arise from events authorized by special permits issued by the Village subject to the terms of such permits or as otherwise approved by the Village Board of Trustees.

- h. In the event that one or more vehicles is illegally parked in said Lot, such vehicle(s) may be towed at the direction of a member of the Police Department of the Village of Tolono at the cost of the Owner of such vehicle.
- i. In addition to having the illegally parked vehicle(s) being towed, the owner of the vehicle shall be subject to a fine of \$100.00 for each day that such a violation exists.”

To the extent that any provision of the within Ordinance conflicts with a provision of the Tolono Revised Code of Ordinances, the within Ordinance shall prevail. All other terms of the Tolono Revised Code of Ordinances shall remain in full force and effect.

This Ordinance shall be effective upon its adoption and the Village Clerk is directed to publish it in pamphlet form in accordance with applicable law.

KENT PLACKETT, Village President

ATTEST: (SEAL)

Village Clerk