

Ordinance No. 2018-02

**An Ordinance Authorizing Northern Illinois Gas Company
(d/b/a NICOR Gas Company) Its Successors and Assigns,
to Construct, Operate and Maintain a Gas Distributing System
in and through the Village of West Dundee, Illinois**

WHEREAS, the Village of West Dundee, Kane County, Illinois is a home rule municipality as contemplated under Article VII, Section 6 of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WEST DUNDEE, ILLINOIS:

SECTION 1. That the right, permission and authority be and the same are hereby granted to NORTHERN ILLINOIS GAS COMPANY (d/b/a NICOR GAS COMPANY), an Illinois corporation, its successors and assigns (hereinafter referred to as the "Grantee"), to construct, operate and maintain in and through the VILLAGE OF WEST DUNDEE (hereinafter referred to as the "Municipality"), in the State of Illinois, for a term of Fifty (50) years, a system for the production, distribution and sale of gas for fuel, heating, power, processing and other purposes within and outside the corporate limits of the Municipality, and to construct, lay, maintain and operate such gas pipes, mains, conductors and other devices, apparatus and equipment as may be necessary or convenient for such system in, under, along and across each and all of the streets, alleys, avenues and other public places in the Municipality, subject to the conditions and regulations hereinafter set forth.

SECTION 2. All pipes, mains, conductors and other appliances, including connections with service pipes, hereafter laid in streets, alleys, avenues or other public places, shall be laid under the supervision of the Committee on Streets and Alleys of the Municipality, or such other duly authorized agent of the Municipality as the Board of Trustees may from time to time designate. All pipes, mains, conductors and other appliances shall be so located as not to injure unnecessarily any drains, sewers, catch basins, water pipes, pavements or other like 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, or such other duly authorized agent, and in default thereof the Municipality may repair such damage and

charge the cost thereof to, and collect the same from, the Grantee. 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 the public streets, alleys, avenues and other public places of the Municipality.

SECTION 3. The Grantee shall indemnify, become responsible for and forever save harmless the Municipality from any and all judgments, damages, decrees, costs and expenses, including attorneys' 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; except that the indemnity provided for in this Section 3 shall not apply to any liability, judgments, damages, decrees, costs and expenses determined by a court of competent jurisdiction to have resulted from the negligence or intentional acts or omissions of Municipality, its agents and employees.

SECTION 4. 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 Village 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 5. All provisions of this ordinance which are obligatory upon, or which inure to the benefit of, said NORTHERN ILLINOIS GAS COMPANY (d/b/a NICOR GAS COMPANY) shall also be obligatory upon and shall inure to the benefit of any and all successors and assigns of said Company, and the word "Grantee" wherever appearing in this ordinance shall include and be taken to mean not only said NORTHERN ILLINOIS GAS COMPANY (d/b/a NICOR GAS COMPANY), but also each and all of such successors and assigns.

SECTION 6. This ordinance, if accepted by the Grantee as hereinabove provided, shall be in full force and effect as of September 24, 2007, and from and after the effective date shall supersede, cancel, repeal and be in lieu of any and all other existing or prior grants of right,

permission and authority by said Municipality to said Grantee or any predecessor companies or assignors of the Grantee to construct, operate and maintain any system for the production, distribution and sale of gas for fuel , heating, power, processing and any other purposes within the corporate limits of this Municipality, and this ordinance shall likewise cancel all of the obligations under said existing or prior grants.

PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois, and approved by the President of said Village this 8th day of January, 2018.

AYE: Trustee Kembitzky, Price, Hanley, Anderley and Wilbrandt
NAY: None
ABSTAIN: None
ABSENT: Trustee Yuscka



Christopher Nelson
Village President

ATTEST:



Kim Tibbetts
Deputy Village Clerk

(SEAL)

CERTIFICATION OF PUBLICATION
IN PAMPHLET FORM

STATE OF ILLINOIS)
COUNTY OF KANE)

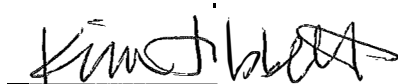
SS

I, Kim Tibbetts, do hereby certify that I am the duly qualified and acting Deputy Village Clerk of the Village of West Dundee, County of Kane and State of Illinois, and as such clerk I am the keeper of the seal, records, files and proceedings of the corporate authorities of said municipality.

I further certify that, as of the date hereof, Ordinance No. 2018-02, *An Ordinance authorizing Northern Illinois Gas Company (d/b/a NICOR Gas Company) Its Successors and Assigns, to Construct, Operate and Maintain a Gas Distributing System in and through the Village of West Dundee, Illinois*, adopted by the corporate authorities on January 8, 2018.

This Ordinance has been duly published in pamphlet form in accordance with § 1-2-4- of the Illinois Municipal Code. The pamphlet form of Ordinance No. 2018-02 was published, commencing on January 10, 2018, and continuing for at least ten days thereafter.

IN WITNESS WHEREOF, I have hereunto affixed my hand and official seal of the municipality this 10th day of January, 2018.



Kim Tibbetts
Deputy Village Clerk

(SEAL)