

9/09/98
10/07/98

91-O-98

AN ORDINANCE

**Termination of the Electric Ordinance Pursuant to
Ordinance 105-O-93**

WHEREAS, the City Council of the City of Evanston did on March 4, 1957, adopt an Ordinance No. 13-O-57 entitled "Electric Ordinance", an ordinance authorizing Commonwealth Edison Company (Public Service Company Division), its successors and assigns to construct, operate, and maintain an electric light and power system in and through the city of Evanston, Cook County, Illinois; and

WHEREAS, said ordinance granted to the Commonwealth Edison Company, then known as the Public Service Company Division, the right, permission and authority to construct, operate and maintain in and through the City of Evanston for a term of thirty-five (35) years a system for the production, transmission, distribution and sale of electricity for 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, manholes, vaults and other apparatus and equipment as may be necessary or convenient for such a system in, upon, along, over, across, above and under each and all of the streets, alleys, avenues and other public places in the municipality subject to the conditions and regulations hereinafter set forth; and

WHEREAS, the City Council of the City of Evanston did on September 27, 1993, adopt Ordinance 105-O-93 entitled "An Ordinance Amending Ordinance No. 13-O-57 Granting Authority to Commonwealth Edison Company to Construct, Operate and Maintain an Electric Light and Power System in the City of Evanston" which ordinance extended the term of the "Electric Ordinance" for a period of seven years, from March 5, 1992 to March 5, 1999; and

WHEREAS, Section 3 of Ordinance 105-O-93 reads as follows:

Section 3: Unless terminated by the City Council by ordinance within one hundred eighty days (180) prior to March 5, 1999, the terms of the authority herein granted shall be as hereinafter set forth in Exhibit A attached hereto and incorporated herein by reference.

WHEREAS, the Energy Commission has recommended that the City Council terminate the authority granted in Ordinance 105-O-93 and not become subject to the terms of Exhibit A to Ordinance 105-O-93; and

WHEREAS, the current date is within 180 days prior to March 5, 1999; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: Pursuant to Section 3 of Ordinance 105-O-93, the City Council does hereby notify the Commonwealth Edison Company ("ComEd") that, effective March 5, 1999, the Franchise Agreement (Exhibit A of Ordinance 105-O-93), which granted authorization to ComEd to use the public ways and other public property in conjunction with its construction, operation and maintenance of an electric system in and through the City

of Evanston, Cook County, Illinois, is terminated. By this action, the City Council is giving notice that it will not be a party to the Model Franchise Agreement prepared by the Northwest Municipal Conference.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

Introduced: September 14, 1998

Adopted: October 12, 1998

Approved: October 15, 1998

Lorraine H. Markon
Mayor

ATTEST:

Mary D. Morris
City Clerk

Approved as to form:

[Signature]
Corporation Counsel

