

64-O-02

AN ORDINANCE

**Granting an Extension
Until October 14, 2002 of the Electric Ordinance
To Commonwealth Edison**

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 thereafter 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 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 City Council did on October 12, 1998 adopt Ordinance 91-0-98 which Ordinance did: (a) terminate the authority granted to Commonwealth Edison 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 after March 5, 1999; and (b) negate the authority of the enactment of the aforesaid Exhibit A; and

WHEREAS, the City Council on February 22, 1999 did adopt Ordinance 14-0-99 which extended the duration of Ordinance 13-0-57 until June 3, 1999; and

WHEREAS, the City Council on May 24, 1999 did adopt Ordinance 80-O-99 which extended the duration of Ordinance 13-O-57 until July 15, 1999; and

WHEREAS, the City Council did on July 12, 1999 adopt Ordinance 95-O-99 which granted a three year extension of Ordinance 13-O-57 until July 14, 2002; and

WHEREAS, the City of Evanston and Commonwealth Edison Company have scheduled negotiations concerning the possible grant of a new authority to Commonwealth Edison to use the public ways and other public property; and

WHEREAS, Commonwealth Edison, having notice and being aware of the adoption of 95-O-99 and the July 14, 2002 termination date of the existing authority, has requested that the City extend the grant of authority for ninety (90) days from and after July 14, 2002,

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

SECTION 1: That the duration of Ordinance 13-0-57 which terminates on June 14, 2002 is hereby extended until October 12, 2002, and all its terms shall remain in full force and effect for that period.

SECTION 2: That the City of Evanston does hereby reaffirm and restate that Section 3 of Ordinance 105-0-93 which provided authorization to Commonwealth Edison to construct, maintain and operate a system for the production, distribution and sale of electricity within the City of Evanston for thirty five years from and after March 5, 1999, is terminated.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

Introduced: July 8, 2002

Adopted: July 8, 2002

Approved: July 9, 2002

Lerraine H. Norton
Mayor

ATTEST:

Michael P. Morris
City Clerk

Approved as to form:
[Signature]
Corporation Counsel