

7/2/2015

92-O-15

AN ORDINANCE

Granting an Extension of the Electric Ordinance with Commonwealth Edison Until September 12, 2020

WHEREAS, the City Council of the City of Evanston ("City Council") on March 4, 1957, did adopt Ordinance 13-O-57, entitled "Electric Ordinance," authorizing the Commonwealth Edison Company ("ComEd"), then known as the 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 ComEd 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 on September 27, 1993, did 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 and Power System in the City of Evanston," which ordinance extended the term of the

Electric Ordinance for a period of seven (7) 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.

and

WHEREAS, the City of Evanston's Energy Commission recommended that the City Council terminate the authority granted to ComEd 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 on October 12, 1998, adopted Ordinance 91-O-98, which: (a) terminated 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) negated the authority of the enactment of the aforesaid Exhibit A; and

WHEREAS, the City Council on July 12, 1999, did adopt Ordinance 95-O-99, which granted a three (3) year extension of Ordinance 13-O-57 until July 14, 2002; and

WHEREAS, the City Council on July 14, 2003, did adopt Ordinance 68-O-03, which granted a one (1) year extension of Ordinance 13-O-57 until July 14, 2004; and

WHEREAS, the City Council on July 14, 2004, did adopt Ordinance 77-O-04, which granted a three (3) year extension of Ordinance 13-O-57 until July 14, 2007; and

WHEREAS, the City Council on July 9, 2007, did adopt Ordinance 68-O-07, which granted a three (3) year extension of Ordinance 13-O-57 until July 14, 2010; and

WHEREAS, the City Council on August 9, 2010, adopted Ordinance 58-O-10, which granted a five (5) year extension of Ordinance 13-O-57 until September 12, 2015; and

WHEREAS, ComEd, having notice and being aware of the adoption of Ordinance 58-O-10 and the September 12, 2015 termination date of the existing authority, requests that the City extend the grant of authority for five (5) years until September 12, 2020 with an option for five (5) additional years that the City may exercise at its sole discretion; and

WHEREAS, the City Council determined it is in the best interests of the City to approve such an extension with this Ordinance 92-O-15,

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

SECTION 1: That the foregoing recitals are found as fact and made a part hereof.

SECTION 2: The Electric Ordinance and subsequent extensions of the authority through several legislative actions, most recently Ordinance 58-O-10, will expire on September 12, 2015, is hereby extended until September 12, 2020, and all its

terms of the Electric Ordinance, 13-O-57, and Ordinance 58-O-10, shall remain in full force and effect until September 12, 2020. The terms contained in Exhibit 1 attached to Ordinance 58-O-10, supplement the terms contained in Ordinance 13-O-57, which also remain in full force and effect until September 12, 2020. Ordinances 13-O-57 and 58-O-10 are attached as Exhibit A and incorporated herein by reference. ComEd hereby accepts the terms of this Ordinance 92-O-15, as memorialized in Exhibit B, attached hereto and incorporated herein.

SECTION 3: That the City may, until September 12, 2020, exercise its option to re-extend the grant of authority for an additional five (5) years to September 12, 2025. The decision whether to exercise said option shall be within the City's sole discretion.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: That 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 13, 2015

Approved:

Adopted: July 27, 2015

July 29, 2015

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

EXHIBIT A

ORDINANCE 13-O-57 AND ORDINANCE 58-O-10

7/13/2010

58-O-10

AN ORDINANCE

**Granting an Extension, Until September 12, 2015,
of the Electric Ordinance to Commonwealth Edison**

WHEREAS, the City Council of the City of Evanston on March 4, 1957, did adopt 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 on September 27, 1993, did 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 and Power System In the City of Evanston," which ordinance extended the term of the "Electric Ordinance" for a period of seven (7) 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.

and

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 on October 12, 1998, did adopt Ordinance 91-O-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-O-99, which extended the duration of Ordinance 13-O-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 on July 12, 1999, did adopt Ordinance 95-O-99, which granted a three (3) -year extension of Ordinance 13-O-57 until July 14, 2002; and

WHEREAS, the City Council on July 8, 2002, did adopt Ordinance 64-O-02, which granted a ninety (90) -day extension of Ordinance 13-O-57 until October 14, 2002; and

WHEREAS, the City Council on October 14, 2002, did adopt Ordinance 98-O-02, which granted a nine (9) -month extension of Ordinance 13-O-57 until July 14, 2003; and

WHEREAS, the City Council on July 14, 2003, did adopt Ordinance 68-O-03, which granted a one (1) -year extension of Ordinance 13-O-57 until July 14, 2004; and

WHEREAS, the City Council on July 14, 2004, did adopt Ordinance 77-O-04, which granted a three (3) -year extension of Ordinance 13-O-57 until July 14, 2007; and

WHEREAS, the City Council on July 9, 2007, did adopt Ordinance 68-O-07, which granted a three (3) -year extension of Ordinance 13-O-57 until July 14, 2010; and

WHEREAS, the City Council on July 12, 2010, did adopt Ordinance 45-O-10, which granted a sixty (60)-day extension of Ordinance 13-O-57 until September 12, 2010; and

WHEREAS, the City of Evanston and Commonwealth Edison have concluded negotiations concerning the possible grant of a new authority to Commonwealth Edison to use the public ways and other public property and agreed upon additional applicable terms in the event the duration of 13-O-57 is extended beyond September 12, 2010; and

WHEREAS, Commonwealth Edison, having notice and being aware of the adoption of 45-O-10 and the September 12, 2010, termination date of the existing authority, requests that the City extend the grant of authority for five (5) years until September 12, 2015 with an option for five (5) additional years that the City may exercise at its sole discretion; and

WHEREAS, the City Council has determined it is in the best interests of the City to approve such an extension,

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

SECTION 1: That the foregoing recitals are found as fact and made a part hereof.

SECTION 2: That the duration of Ordinance 13-O-57, which terminates on September 12, 2010, is hereby extended until September 12, 2015, and all its terms shall remain in full force and effect for that period. The terms contained in Exhibit 1, attached hereto and incorporated herein, shall

supplement the terms contained in Ordinance 13-O-57 and be in full force and effect until September 12, 2015.

SECTION 3: That the City may, until September 12, 2015, exercise its option to re-extend the grant of authority for an additional five (5) years to September 12, 2020. The decision whether to exercise said option shall be within the City's sole discretion.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: That 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 26, 2010 Approved:
Adopted: August 9, 2010 August 11, 2010

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene By Elizabeth Greene W. Grant Farrar
Rodney Greene, City Clerk Deputy Clerk W. Grant Farrar, City Attorney

58-O-10

EXHIBIT 1

Projects and Programs in the City of Evanston

Exhibit A - Projects and Programs In the City of Evanston

Project	Investigation Results and Required Actions	Schedule
Project 1 - Distribution Circuit Inspections & Tree Trimming	On a regular basis, ComEd inspects its distribution circuits, for broken or damaged equipment including, (e.g. transformers, wires, lightning protection, etc...) At the beginning of the year ComEd will provide a list of circuits to be trimmed and inspected and any significant items found.	ICC Requirement
Project 2- 1% Circuit Reporting	On a yearly basis, ComEd will provide a report of any 1% feeders that serve Evanston. A statement of any remedial actions will be included. (4th Qtr. calendar year) As reported to the Illinois Commerce Commission, criteria based on frequency and duration, plus additional analysis.	Annual
Project 3 - Reliability Reports	Schedule of Reports: The annual report will be essentially identical to the model Annual Report provided by ComEd with the following additions. These reports will include progress on projects and programs identified in Exhibit A, twice a year. Insert a new section entitled: "Inspection by Feeder" which will include a list of the feeders in Evanston and when they were last inspected and the next inspection cycle. Insert a new section, under Tree Trimming Report by Feeder, a list of feeders in Evanston will be added including when they were last trimmed and the next trimming cycle. Insert a new section Skokie/Techy Reliability Report. Outage Data provided semi annually. (First 6 months, then full 12 months.)	Semi Annual (October 29, 2010, April 29, 2011, October 28, 2011, April 27, 2012, October 26, 2012, April 26, 2013, October 25, 2013, April 25, 2014, October 31, 2014, April 24, 2015)
Project 4- Summer Critical	ComEd will provide a list of "Summer Critical" work for Evanston on an annual basis.	Annual
Project 5 - Feeder Loading	ComEd will identify any feeders in Evanston that are loaded greater than 90%. Feeder list will be provided on an annual basis. For the feeders provided, ComEd will provide the actual peak loading of the previous year.	Semi Annual
Project 6 - Distribution Planning	ComEd Distribution Planning Department will meet with Evanston TRG annually to coordinate information about expected future major load additions. ComEd will also share any work affecting Evanston in the 5 year Capacity plan on an annual basis.	Semi Annual
Project 7 - Substation Capacity	ComEd will provide a list of Substations serving Evanston that are loaded above 90%. Substation list will be provided on an annual basis and will include the actual peak loading of the previous year for those stations along with the design capacity of the station.	Semi Annual
Project 8 - Feeder Map	On an annual basis, ComEd will provide the most recent updated map of all Evanston feeders and list the total number of Evanston customers served on each feeder by Residential and Commercial/Industrial.	Annual

Exhibit A - Projects and Programs in the City of Evanston

<p>Additional Program Improvements</p>	<p>Rules enacted by the Illinois Commerce Commission require Illinois utilities to report on certain service standards. Specifically, depending on the voltage level at which the customer receives service, ComEd and other utilities attempt to limit the number of controllable interruptions and the duration of those interruptions experienced by customers. Under the rules, Illinois utilities must develop processes to identify, analyze, and correct the service reliability for customers who experience a number or duration of interruptions that exceeds the target numbers. The full text of the rules, as well as other information relating to service reliability, may be found on the Illinois Commerce Commission's web site http://www.icc.state.il.us</p>	
<p>Program 1 - Customers with Multiple Outages (Multiple & Long Duration)</p>	<p>ComEd's Dispatch Center coordinates the efforts of regional reporting centers, which are located throughout the service territory. ComEd also continues to rework its emergency restoration program, now called the Storm Restoration Program. ComEd monitors weather conditions and attempts to anticipate the path of severe weather events. In some cases ComEd will place crews in areas that are likely to be affected by a severe storm to respond more quickly should the storm hit and interrupt service. ComEd uses local crews to respond to weather emergencies. We also have contracts and agreements with other utilities and private companies to supplement our crews in severe emergencies. ComEd has enhanced communications with field emergency restoration personnel.</p>	
<p>Program 2 - Service Interruption Management</p>	<p>For each feeder level interruption that lasts for more than fifteen minutes, ComEd notifies each affected municipality by fax or e-mail within one hour after ComEd learns of the interruption. ComEd is committed to updating the information every two hours by subsequent faxes or e-mails. The notice typically describes the location of the interruption, an estimate of the number of customers affected, and an estimated time for full restoration of service. Beginning in 1999, the fax notices now include a direct phone number to ComEd's dispatch center in Joliet that municipal officials may dial for more detailed information on the restoration efforts. The fax notification program reports only "feeder-level" interruptions i.e., incidents that affect 1000 kva or more of electric load. On an annual basis, ComEd sends each municipality a fax notification form that the municipality must complete with fax numbers and names of the persons who are to receive notification from ComEd.</p>	
<p>Program 3 - Outage Notification to Municipalities</p>		

Exhibit A - Projects and Programs In the City of Evanston

Additional Programs & Improvements		
Program 3 - Con't	<p>The fax notification system gives municipalities current information on restoration efforts in their communities. From time to time, ComEd may interrupt electric service in order to replace or repair equipment, or to accommodate private or governmental construction or demolition efforts. Before ComEd implements a planned interruption, however, we make sure that customers and municipal officials are aware of the interruption and are given sufficient time to respond. In most circumstances, ComEd notifies the customers who would be affected by the interruption by mail. ComEd also notifies the municipal official designated on the fax notification form by fax or e-mail at least twenty-four hours prior to the interruption. There are times, however, when ComEd must interrupt service on short notice. In those cases, ComEd will contact affected customers by telephone and municipal officials by fax with as much lead time as possible.</p>	
Program 4 - Internet Applications (E-Outage)	<p>ComEd has developed e-Outage, an Internet site that reports information on service interruptions by region, within the ComEd service territory. By entering a password, municipal officials currently can access the site to obtain current information on how long customers in the town have been out of service, and when available, an estimate restoration time. It also allows municipal officials to view service interruptions in their community on a geographic map.</p>	
Program 5- Tree Trimming & Tree Agreement	<p>On August 2, 2001, the Illinois General Assembly passed Public Act 92-0214 that specifies how utilities will trim trees in Illinois. The law specifies the standard by which utilities will trim trees and what notification utilities are required to give customers and municipalities. For details regarding the new law, see http://www100.state.il.us/government/getlegis.cfm and HB1776.A. On November 11, 2002, the City of Evanston approved a Tree Trimming Agreement with ComEd. The various Councils of Government, including the Northwest Municipal Conference, approved this agreement. The agreement, which is for a four-year period, allows ComEd to continue to trim trees to the standards set in Public Act 92-0214. By signing the agreement, Evanston is qualified to participate in ComEd's Municipal and Customer Tree Replacement Program. B. ComEd will provide on an annual basis, the list of feeders in Evanston and when they were last trimmed and the next trimming cycle.</p>	
Program 6- Green Power Initiatives	<p>Com Ed agrees to cooperate with the City of Evanston (City) during the term of this franchise extension to help it achieve its goal of 20% green power for City facilities served by Com Ed by offering to the City any future Com Ed green power initiatives developed by Com Ed to the extent the same are offered to customers of the same class and in the same territory as the City. Evanston has expressed its interest in serving as a demonstration municipality for any future green initiatives.</p>	

Exhibit A - Projects and Programs In the City of Evanston

Additional Programs & Improvements		
<p>Program 7 - Economic Development Initiatives- (Church & Brown Substation Lincoln & Green Bay Substation)</p>	<p>In support of a unique community revitalization project at Church Street and Dodge Avenue, upon a formal request by the City and review by ComEd, Com Ed will consider leasing to the City a limited portion of vacant land at a site that also includes a Com Ed substation for parking for six (6) vehicles. Any such lease to the City would limit the City's use of the property to parking for the adjacent redevelopment project. Such leasing of this property to the City would be subject to any requisite regulatory approvals, safety and access conditions and ComEd would retain the right to terminate the lease if such property is required by Com Ed. Aesthetic improvements to Lincoln & Green Bay, i.e. painting of equipment.</p>	
<p>Program 8 - Emergency Construction in the Public ROW</p>	<p>In the event of an emergency, if prior acquisition of formal authorization is not possible, ComEd or any person acting on its behalf, may undertake the emergency work without first acquiring formal authorization, provided that ComEd shall apply for such formal authorization at the earliest reasonable opportunity, typically within 72 hours, but not to exceed 10 business days.</p>	
<p>Program 9 - Notification of Cutoff Electric Service</p>	<p>ComEd agrees to provide the city with the available monthly list of electric service cutoffs (of customers that have been cut for more than 30 days) by address. The report will be generated once per month during the cut season. (April 1st - November 30th) The Illinois Administrative code Title 83, Chapter I Part 280.135 does not allow shut off during the period of December 1st through March 31st. ComEd reserves the right to modify this process if legal or regulatory changes occur, but not without notification and discussion with the city.</p>	

2425257

13-0-57

DOCKET 16-G-2257
Introduced 2-25-57 (P.152)
Adopted 3-4-57 (P.155)

-- 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.

BE IT ORDAINED BY THE CITY COUNCIL OF EVANSTON

ILLINOIS:

SECTION 1. That the right, permission and authority be and the same are hereby granted to COMMONWEALTH EDISON COMPANY (PUBLIC SERVICE COMPANY DIVISION), an Illinois corporation, its successors and assigns, (hereinafter referred to as the "Grantee"), to construct, operate and maintain in and through the CITY OF EVANSTON (hereinafter referred to as the "Municipality"), in the County of COOK, and State of Illinois, 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 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.

SECTION 2. All poles and wires erected hereunder shall be placed in alleys wherever practicable so to do, and shall be so placed, whether on streets, alleys, avenues or other public places, as not to interfere unnecessarily with travel on such streets, alleys, avenues and other public places, and shall be erected under the

direction of the City Council or its authorized agent. Grantee shall, at its own expense, whenever ordered so to do by the City Council of the Municipality, make such adjustment and re-locations of its poles, wires and other facilities installed in, on or under streets, alleys, avenues or other public places, as may be reasonably necessary to avoid interference with street ^{and alley} improvements approved by the City Council or with utilities owned and operated by the Municipality. All poles erected under this ordinance shall be not less than twenty-five (25) feet in height, and 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 Director of Public Works of the Municipality 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.

Said Director of Public Works, or such other duly authorized agent, of the Municipality is hereby authorized and directed to call upon the Grantee to, and the Grantee may 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 of said trees shall come in contact with or in anywise interfere with the wires or other equipment upon said lines. Said trees shall be trimmed under the direction of the City Council or its authorized agent, 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 in straight lines so far as practicable, and all overhead wires, conductors and cables

shall, so far as practicable, be kept at least eighteen (18) feet above the level of the ground.

The Municipality shall have the right to the use of one cross arm on 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.

The Grantee shall be subjected 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.

It is understood that nothing contained herein shall be construed to prevent the Municipality from exercising rights of taxation provided, or to be provided, by the laws of the State of Illinois.

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 that effect, 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 as to the time when any of said wires and poles shall be so cut, removed, or adjusted for the purpose aforesaid 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 judgements, 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, and, as additional security therefor, the Grantee shall, during the life of this ordinance, keep on file with the City Clerk of the Municipality a good and sufficient ^{security} bond in the penal sum of Fifteen Thousand Dollars (\$15,000) conditioned to protect and indemnify the Municipality as in this Section provided, and said bond shall be subject to the approval of the City Council of the Municipality, and the Municipality shall have the right from time to time, whenever in the opinion of the said City Council the same may be necessary, to require the Grantee to renew or provide additional or other security on said bond.

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 of 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 Commonwealth

Edison Company (Public Service Company Division) 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" wherever appearing in this ordinance shall include and be taken to mean not only said Commonwealth Edison Company (Public Service Company Division), but also each and all of such successors and assigns.

SECTION 7. This ordinance, if accepted by the Grantee as hereinabove provided, shall be in full force and effect on and after March 5th, 1957 and shall from and after the 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 the Municipality.

PASSED BY THE CITY COUNCIL OF EVANSTON
ILLINOIS, THIS 4th DAY OF March, A.D. 1957
Edgar W. Brill
City Clerk

APPROVED BY THE MAYOR OF THE CITY OF EVANSTON
ILLINOIS, THIS 4th DAY OF March, A.D. 1957
[Signature]
Mayor

(Seal)

ATTEST:

Edgar W. Brill
City Clerk

STATE OF ILLINOIS
COUNTY OF COOK
CITY OF EVANSTON

}
SS.
}

I, Edward W. Bell, City Clerk of
the City of Evanston, Cook County, Illinois,
do hereby certify that the foregoing is a true and correct copy
of an Ordinance duly passed by the City Council of said City on
the 4th day of March, A.D. 1957 and duly
approved by the Mayor of said City on the 4th day of
March, A.D. 1957, the original of which Ordinance
is now on file in my office.

I do further certify that I am the legal custodian of
all papers, contracts, documents and records of said City.

WITNESS my hand and the official seal of said City
This 5th day of March, A.D. 1957

Edward W. Bell
City Clerk

Address

(Seal)

EXHIBIT B

**ACKNOWLEDGMENT AND AGREEMENT TO THE TERMS OF
ORDINANCE NO. 92-O-15 AND EXTENSION OF THE 1957 FRANCHISE
ORDINANCE UNTIL SEPTEMBER 12, 2020**

Commonwealth Edison Company hereby acknowledges and agrees to the terms of Ordinance No. 13-O-57, terms of the Ordinance No. 58-O-10, as amended, and the to the extension provided in Ordinance 92-O-15, which shall now extend through and to September 12, 2020.

COMMONWEALTH EDISON COMPANY

By: 
Its Senior Vice-President, Regulatory and External Affairs

ATTEST:


Its: Secretary