

CHAPTER 27

GAS

27.01 ORDINANCE AUTHORIZING NORTHERN ILLINOIS GAS COMPANY, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE AND MAINTAIN A GAD DISTRIBUTING SYSTEM IN AND THROUGH THE VILLAGE OF JOHNSBURG, MCHENRY COUNTY, ILLINOIS.

- A. That the right, permission and authority be and the same are hereby granted to Northern Illinois 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 Johnsburg (hereinafter referred to as the Municipality) in the County of McHenry and the State of Illinois, for a term of fifty (50) years, a system for the productions, distribution and sale of gas for fuel, heating, 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.
- B. 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 Village Board 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 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.

- C. 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 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 chapter of legally resulting from the exercise by the Grantee of any of the privileges herein granted, and as additional security therefore the Grantee shall, during the life of this Chapter, keep on file with the Village Clerk a good and sufficient bond in the penal sum of \$5,000.00 conditioned to protect and indemnify the Municipality as in this section provided, and said bond shall be subject to the approval of the Village Board and the Municipality shall have the right from time to time whenever in the opinion of the Village Board the same may be necessary, to require the Grantee to renew or provide additional or other security on said bond.

- D. 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 an unconditional written acceptance hereof, to be duly executed according to law, and a failure of the Grantee to so accept 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 the purpose and before the expiration of said period of thirty (30) days.

- E. All provisions of this ordinance which are obligatory upon, or which inure to the benefit of, said Northern Illinois Gas Company shall include and be taken to mean not only said Northern Illinois Gas Company, but also each and all of such successors and assigns.

- F. This ordinance, if accepted by the Grantee as hereinabove provided shall be in full force and effect on and after August 7, 1956, 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, distribution and sale of gas for fuel, heating, processing and other purposes within this Municipality.