

ORDINANCE NO. 222

AN ORDINANCE GRANTING TO IOWA-ILLINOIS GAS AND ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR A PERIOD OF TWENTY-FIVE YEARS THE RIGHT AND FRANCHISE TO ACQUIRE, ERECT, MAINTAIN AND OPERATE IN THE CITY OF BUFFALO, IOWA, A GAS PLANT OR PLANTS FOR THE PRODUCTION, STORAGE, TRANSMISSION, DISTRIBUTION, SALE, DELIVERY OR FURNISHING OF GAS FOR PUBLIC AND PRIVATE USE IN THE CITY OF BUFFALO AND ELSEWHERE AND TO USE THE STREETS, AVENUES, ALLEYS AND PUBLIC GROUNDS AND BRIDGES IN THE CITY OF BUFFALO FOR THE PURPOSE OF LAYING, CONSTRUCTING, MAINTAINING, REPLACING AND SUBSTITUTING MAINS, PIPES, CONDUITS AND OTHER FACILITIES, FOR THE TRANSMISSION, DISTRIBUTION, SALE, DELIVERY OR FURNISHING OF GAS FOR PUBLIC AND PRIVATE USE IN THE CITY OF BUFFALO AND ELSEWHERE.

BE IT ENACTED by the City Council of the City of Buffalo, Iowa:

Section 1. There is hereby granted to Iowa-Illinois Gas and Electric Company, an Illinois corporation authorized to do business in the state of Iowa, hereinafter called the "Company", and to its successors and assigns for a period of 25 years from and after the effective date of this ordinance the right and franchise to acquire, erect, maintain and operate in the city of Buffalo, Iowa a gas plant or plants for the production, storage, transmission, distribution, sale, delivery or furnishing of gas, either natural or manufactured or mixed natural and manufactured, for public and private use in the city of Buffalo and elsewhere and to use the streets, avenues, alleys and public grounds and bridges in the city of Buffalo for the purpose of laying, constructing, maintaining, replacing and substituting mains,

pipes, conduits and other facilities for the transmission, distribution, sale, delivery or furnishing of gas for public and private use in the city of Buffalo and elsewhere.

Section 2. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa 1983, and this franchise shall not be exclusive.

Section 3. The Company shall have the right to excavate in any public street for the purpose of laying, relaying, repairing or extending gas pipes, mains, conduits and other facilities provided that the same shall be so located and maintained as to make no unnecessary obstruction of any drains or sewers or the flow of water therefrom, which have been or may hereafter be located by authority of said city. Said gas pipes, mains, conduits and other facilities shall be so located and maintained in the streets, avenues, alleys and public places of said city as to make no unnecessary obstruction therein to the use thereof by the public.

Section 4. In making excavations in any streets, avenues, alleys and public places for the installation of gas pipes, conduits, or apparatus, the Company shall not unnecessarily obstruct the use of the streets, and shall replace the surface, restoring the original condition as nearly as practicable; and in laying, repairing and replacing mains and pipes, the Company shall conform to all reasonable regulations prescribed by the

city to prevent injury to the pavement, streets, alleys, and public places, and the Company shall not unnecessarily interfere with, injure or change any pavement, water pipes, drains or sewers of said city, either public or private.

Section 5. The Company, its successors and assigns, shall hold said city free and harmless from all damages arising on account of any negligence of the Company, its successors and assigns, in the construction, operation and maintenance of said system.

Section 6. The Company, its successors and assigns, shall extend its mains and pipes in accordance with rules and regulations approved by the Iowa State Commerce Commission.

Section 7. The Company and its successors and assigns as long as they shall operate under the terms of this franchise shall furnish such quantities of gas of good quality as the city and the inhabitants thereof may reasonably demand; provided, however, that such undertaking and agreement shall be subject to such limitations on the use of gas for large-volume commercial or industrial applications, or for space heating as may be provided by reasonable rules and regulations placed into effect by the Company during any temporary shortage in or permanent diminution of the supply of natural gas with which the Company serves the city of Buffalo and the inhabitants thereof.

Section 8. The Company is authorized to impose reasonable terms and conditions upon the furnishing of gas service and reasonable rules and regulations in the operation and conduct of its business, including, but not limited to, the requiring of a reasonable deposit of any consumer as a condition of furnishing gas to such consumer.

Section 9. All proper and necessary police regulations shall be adopted and enforced by the city of Buffalo, Iowa for the protection of the pipes, mains, conduits, meters and other apparatus of the Company, its successors and assigns.

Section 10. This ordinance and the rights and privileges herein granted shall not become effective or binding until this ordinance shall have been submitted to and approved by a majority of the electors of said city of Buffalo, Iowa, voting at the next general or municipal election or at a special election called for that purpose. The cost and expense of the election relating to the franchise provided for herein shall be paid by the Company.

Section 11. The Company, its successors and assigns, within 30 days after the approval of this ordinance by a vote of the people at the next general or municipal election or at a special election called for that purpose, shall file in the office of the clerk of the city of Buffalo, Iowa its acceptance in writing of all the terms and provisions of this ordinance.

Section 12. Upon the effective date of this ordinance, the gas franchise ordinance No. 116, passed and approved by the City Council of the city of Buffalo, Iowa, on April 6, 1959 granting a franchise to the Company to furnish gas service to the city of Buffalo, Iowa, and its inhabitants, is hereby repealed and all other ordinances or parts of ordinances in conflict herewith are also hereby repealed.

Section 13. This ordinance shall become effective upon passage by the City Council, the approval of the voters as provided in Section 10 hereof, and the acceptance by the Company as provided in Section 11 hereof.

PASSED AND APPROVED this 6 day of February 1984.

CITY OF BUFFALO, IOWA

By Louis McElwain
Mayor

ATTEST:

Carol Bernauer
City Clerk