

ORDINANCE NO. 58

AN ORDINANCE

Approving and Authorizing

TRANSFER AND ASSIGNMENT

Of the Right, Privilege, and
Authority To Construct, Operate,
and Maintain a gas supply and
distribution system in the

Village of Gifford,

County of Champaign,

and State of Illinois,

FROM

C. W. HICKS, D/B/A HICKSGAS GIFFORD,

TO

HICKSGAS GIFFORD, INC.,

AN ILLINOIS CORPORATION

Passed June 6, 1963

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND AUTHORIZING TRANSFER AND ASSIGNMENT OF THE RIGHT, PRIVILEGE, AND AUTHORITY TO CONSTRUCT, OPERATE, AND MAINTAIN A GAS SUPPLY AND DISTRIBUTION SYSTEM IN THE VILLAGE OF GIFFORD, COUNTY OF CHAMPAIGN, AND STATE OF ILLINOIS, FROM C. W. HICKS, D/B/A HICKSGAS GIFFORD, TO HICKSGAS GIFFORD, INC., AN ILLINOIS CORPORATION.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GIFFORD, COUNTY OF CHAMPAIGN, AND STATE OF ILLINOIS:

WHEREAS, on, to-wit, April 4, 1963, an Ordinance authorizing C. W. Hicks, d/b/a Hicksgas Gifford, his successors and assigns, to construct, operate, and maintain a gas supply and distribution system in the Village of Gifford, County of Champaign, and State of Illinois, was passed by the Board of Trustees of the Village of Gifford, at a duly constituted meeting of the said Board of Trustees, the said ordinance being in words and figures as set out in the Verifax copy hereto attached and made a part hereof;

AND WHEREAS, C. W. Hicks, d/b/a Hicksgas Gifford, has sold and assigned all of his right, title, and interest in and to the said franchise and authority to him granted under and by virtue of the said Ordinance No. 54 to Hicksgas Gifford, Inc., an Illinois corporation;

AND WHEREAS, it is deemed that the said Hicksgas Gifford, Inc., is a fit and proper party to carry out the terms of the said franchise, right, privilege, and authority heretofore granted to C. W. Hicks, d/b/a Hicksgas Gifford, as aforesaid;

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1. That the said Board of Trustees of the Village of Gifford hereby approve and authorize the sale and transfer of the said franchise, right, privilege, and authority to the said Hicksgas Gifford, Inc., in full purport of the franchise, right, privilege, and authority given to C. W. Hicks, d/b/a Hicksgas Gifford, under Ordinance No. 54, aforesaid.

Section 2. Further ordained that the said Hicksgas Gifford, Inc., shall comply fully and in all particulars with the provisions of the franchise, privilege, right, and authority granted to the said C. W. Hicks, d/b/a Hicksgas Gifford, and that it be charged with all the obligations and duties, and it shall have all the privileges therein enumerated, the said provisions of the said Ordinance No. 54 to be obligatory upon it and upon its successors and assigns, and the benefits therefrom accruing shall inure to the benefit of the said Hicksgas Gifford, Inc., and to its successors and assigns.

Section 3. Further ordained that the rights, privileges, and authority granted by this Ordinance shall remain in full force and effect until October 4, 1982.

Section 4. No right, privilege, or authority given or granted by approval of this Ordinance shall become effective until there shall have been filed with the Village Clerk of the said Village of Gifford the written acceptance of the said Ordinance by the said Hicksgas Gifford, Inc., which said acceptance shall be filed with the said Village Clerk within a period of thirty (30) days from the date of the passage of this Ordinance, and when so filed, shall, together with the making of the semi-annual customers service meter payments and the operation by the said Hicksgas Gifford, Inc., or its successors and assigns, under the terms of this Ordinance, constitute full consideration for the rights, privileges, and authority hereby granted.

Section 5. The said Hicksgas Gifford, Inc., shall, as a condition precedent to the validity of this Ordinance, obtain approval of its contract to purchase the rights to C. W. Hicks, d/b/a Hicksgas Gifford, insuring under Ordinance No. 54, aforesaid, from the Illinois Commerce Commission, as under the laws of the State of Illinois in such cases made and provided, and it shall obtain approval from time to time from the Commerce Commission of the State of Illinois, or such other duly constituted governmental authority as shall have jurisdiction thereof, of the charges to be made by it for public services by it to be rendered under the terms of this Ordinance.

Section 6. The said Hicksgas Gifford, Inc., shall at all times have on file with the Village Clerk of the Village of Gifford a certificate of insurance issued by an insurance company acceptable to the Village of Gifford, insuring the liability of the said Hicksgas Gifford, Inc., in adequate coverage, for injuries which may result to persons and damage to property arising from the construction, maintenance, and operation of the said gas supply and distribution system in the said Village of Gifford.

Section 7. This Ordinance shall be in full force and effect from and after its passage, approval, and the recording thereof in the office of the County Recorder of Champaign County, Illinois.

VILLAGE OF GIFFORD

Roy S. Barnes

PASSED: June 6th 1963

APPROVED: June 6th 1963

RECORDED: June 6th 1963

ATTEST:

Freda Behr
Village Clerk