

ORDINANCE NO. 2021-05

ORDINANCE ESTABLISHING UNIFORM EASEMENT RATES FOR PIPELINES, ELECTRICAL LINES, AND DIGITAL, FIBER OPTIC, AND ANALOG CABLES/CONDUITS FOR APPLICANTS THAT WISH TO ALTER AND/OR ENTER ALONG, UPON AND OVER AND USE THE LAND, LEVEES AND EASEMENTS OF THE WOOD RIVER DRAINAGE AND LEVEE DISTRICT, MADISON COUNTY, ILLINOIS.

WHEREAS, this ordinance supplements ORDINANCE 2021-02 – Ordinance Regulating Applications to Alter U.S. Army Corps of Engineers (USACE) Civil Works Projects Pursuant to 33 USC 408, executed at the regular meeting of the Board of Commissioners on the 5th day of March 2021; and

WHEREAS, the Wood River Drainage and Levee District (District) now wishes to establish uniform easement rates for applicants that wish to construct permanent alterations to the Federal Project over, above, along, and through the lands, levees, and easements of the District.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF THE WOOD RIVER DRAINAGE AND LEVEE DISTRICT, A MUNICIPAL CORPORATION OF MADISON COUNTY, ILLINOIS, AS FOLLOWS:

ARTICLE 1 – GENERAL

SECTION 1 – ORDINANCE 2021-02

The owner of the facility to be constructed shall submit all information required by ORDINANCE 2021-02 and will comply with the directives of the District and/or the USACE throughout design and construction. Any alteration shall be constructed subject to the approval of the designated Engineer of the District and when required, the USACE, both of which shall be represented on the work site from time to time by an inspector authorized by the Executive Director of the District.

SECTION 2 – ANNUAL REPORTING

The owner of the newly constructed facility shall report annually to the District on the status of said alteration. Information provided shall include but will not be limited to: current ownership, current use, and planned maintenance for the calendar year. Failure to report annually may result in termination of the easement and/or a fee of \$2,500.00.

SECTION 3 – RELOCATION

The owner of the facility shall, upon thirty days written notice from the Commissioner of the District, relocate, whenever said relocation shall become necessary because of requirement of the District, without cost to the District, any part of said facility that may be done whenever same may interfere with the construction, maintenance, relocation, or repairs of the works of the lands, levees, or easements of

the District or its assigns. The owner shall relocate said facility when so requested and subject to approval of the Commissioners of the District, who shall be represented on the work if such relocation is made or, by an authorized inspector of said District.

SECTION 4 – ABANDONMENT

That at any time in the future facility shall become abandoned or shall no longer be used for the purpose constructed, the owner shall give thirty (30) days written notice to the District said abandonment. Then, upon thirty days written notice from the Board of Commissioners of the District, the owner shall be required to either remove all items which have been placed upon the lands, levees, and easements of the District in conjunction with the construction, operation and maintenance of the facility herein provided for, without cost to the District or abandoned in place in accordance with the requirement of the District and the USACE.

SECTION 5 – ASSIGNABILITY

The rights that are to be granted by the District to the applicant will be for the use solely of the applicant and will not be assignable to any other person, corporation or entity, nor shall any other person, corporation or entity be allowed to use the said easement granted, without first being given permission by the Board of Commissioners of the District. No other companies, businesses or utilities will be allowed to occupy that easement by permission of the applicant and grantee of the easement. All such permissions will be reserved solely to the District.

ARTICLE 2 – EASEMENT FEES

SECTION 1 – PIPELINES

For the purposes of this ordinance, a pipeline shall be defined as a pipe carrying water, oil, gas, liquid gas, gasoline, fuel oils of any kind or pipelines carrying any other substance that are constructed on any portion of District lands, levees, and easements. The owners of said pipelines will be required to pay an annual easement fee as follows:

- For Pipelines 0 – 12 inches in diameter (I.D.) - **\$6.50** per linear foot;
- For Pipelines 12 – 24 inches in diameter (I.D.) - **\$9.50** per linear foot;
- For Pipelines 24 – 36 inches in diameter (I.D.) - **\$12.50** per linear foot;
- For Pipelines greater than 36 inches in diameter (I.D.) - **\$15.00** per linear foot.

The first installment shall be paid at the time the applicant accepts the alteration permit and shall cover the next twelve (12) months. Each succeeding installment shall cover the next twelve (12) month period and shall be paid not later than the anniversary date of the effective date of the easement agreement. Interest shall accrue on any late payment at the rate of twelve percent (12%) per annum. The annual fee shall remain constant for the first five (5) years of this agreement and shall then subsequently increase an additional \$3.00 per linear foot in years 6-10. If the owner of said pipeline wishes to continue the powers, rights, and privileges granted by the easement beyond the initial period of ten (10) years, the annual fee shall be renegotiated no fewer than 90 days prior to the expiration of the ten year period.

SECTION 2 – ELECTRICAL LINES OR CABLES

For the purposes of this ordinance, an electrical line or cable shall be defined as any buried or aerial conductor. The owners of said electrical lines or cables will be required to pay an annual easement fee as follows:

- \$1,000 per conductor for lengths up to 1,000 linear feet;
- \$2,000 per conductor for lengths up to 2,000 linear feet;
- \$3,000 per conductor for lengths up to 3,000 linear feet;
- \$4,500 per conductor for all lengths in excess of 3,000 linear feet up to 5,280 linear feet.

Any lengths in excess of 5,280 linear feet will be negotiated between the District and owner.


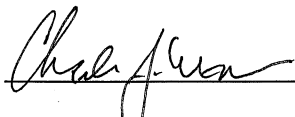
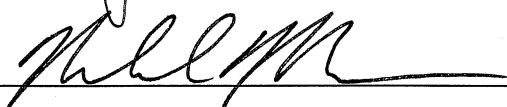
SECTION 3 – DIGITAL, FIBER OPTIC, AND ANALOG CABLES/CONDUITS

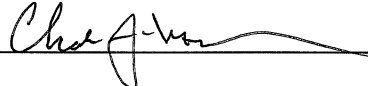
For the purposes of this ordinance, a digital, fiber optic, or analog cable/conduit shall be defined as a communications cable/conduit that may be buried or aerial. The owners of said cable/conduit will be required to pay an annual easement fee as follows:

- For a single cable/conduit up to 4 inches in diameter and for lengths up to 2,000 linear feet - \$2,000;
- For lengths greater than 2,000 linear feet, there is an additional fee of \$2,000.00 for every additional 2,000 linear feet or parts thereof;
- Both annual fees shall increase 3% per year.

PASSED BY ACTION OF THE WOOD RIVER DRAINAGE AND LEVEE DISTRICT BOARD OF COMMISSIONERS, at its regular meeting on 15 OCTOBER 2021

This 15th day of OCTOBER, 2021.

<u>NAME OF COMMISSIONER</u>	<u>AYE</u>	<u>NAY</u>
	<u>X</u>	<u> </u>
	<u>X</u>	<u> </u>
	<u>X</u>	<u> </u>



President, Board of Commissioners
Wood River Drainage and Levee District

ATTEST:



Secretary

Secretary

Wood River Drainage and Levee District