

AN ORDINANCE

AUTHORIZING THE CHICAGO TELEPHONE COMPANY TO CONSTRUCT, RENEW, MAINTAIN AND OPERATE A TELEPHONE SYSTEM IN THE CITY OF HIGHLAND PARK, IN THE COUNTY OF LAKE AND STATE OF ILLINOIS.

BE IT ORDAINED by the Council of the City of Highland Park, in the County of Lake and State of Illinois:

SECTION 1: That Chicago Telephone Company, its successors, lessees and assigns, are hereby granted the right to erect, construct, maintain, renew and operate in, upon, along, across, over and under the streets and alleys and public places of the City of Highland Park, lines of poles, wires, cables, conduits, vaults and laterals and to use the same for the transmission of sounds and signals by means of electricity for a period of twenty years from the date of the passage hereof.

SECTION 2: The location of the lines of poles, as well as the laterals, vaults and conduits heretofore installed by said Company within the limits of the City of Highland Park, during the period of time beginning the 6th day of August, 1915, and ending the 26th day of October, 1917, are hereby approved and all the poles, laterals, vaults and conduits, and the location thereof, as well as all other property heretofore installed by said company, shall be subject to the terms and conditions of this ordinance. All poles, wires, cables, conduits, vaults and laterals of said Company within said City, shall be so placed and maintained, and all work of said Company shall be so performed as not to interfere with travel on the highways of said City, or with any public improvements of any kind, now or hereafter located in any of the streets, alleys and highways of said City, and if at any time it should become necessary for the making of any local or public improvements in said City, to remove and re-locate said conduits, vaults or laterals, or any part thereof, said Chicago Telephone Company shall remove and relocate the same at its sole expense, and in such manner as not to interfere with any of said improvements, whenever notified in writing by the city council, or the duly authorized agents or representatives of said city so to do, and in case of bringing to grade or change of grade or change of width of any street or alley, said Company shall at its sole expense change its structures so as to conform therewith. All work herein specified shall be done under the supervision and to the approval of the Commissioner of Streets and Public Improvements of said City, or to such other person, if any, as shall be designated by the city council of said city.

SECTION 3: Within thirty months from the date of the passage of this ordinance, said Company shall reconstruct its plant in said city by using aerial cable and twisted pair wire distribution to subscribers and shall also within said period remove its poles and fixtures hereinafter specified on the following named streets and avenues in said city: On the east side of Green Bay Road from Highwood Avenue south as far as the third pole south of Vine Avenue, with the exception of the eighth, ninth, tenth, eleventh and twelfth poles north of Vine Avenue which are to remain, together with wires and fixtures. On the east side of Green Bay Road from the first pole south of Laurel Avenue to the second pole north of Oakwood Avenue, with the exception of the two poles just north of Ada Street, which are to remain together with wires and fixtures. On the east side of Oakwood Avenue from the second pole south of Highland Avenue to the first pole north of Green Bay Road. On the west side of St. Johns Avenue from Laurel Avenue south to Ravine Avenue. On the east side of St. Johns Avenue northward from Elm Street to Vine Avenue. On the south side of Lincoln Avenue the first four poles east of Linden Avenue. On the east side of Forest Avenue from Hazel Avenue south to Wade Street, except the sixth pole south of Ravine Avenue, the third pole south of Sheridan Road, and the third pole south of Lincoln Avenue which are to remain together with wires and fixtures.

SECTION 4: All streets, alleys, highways, public places and sidewalks disturbed or damaged by the erecting, installing, constructing or renewal of said poles, conduits, vaults and laterals, or any of them shall be well and truly restored to the same condition in which they were before the same were laid, restoring all the pavements with new material wherever necessary for said purposes. All of said work to be done in a good, first-class, workmanlike manner, and to the approval of the Commissioner of Streets and Public Improvements. And said Company shall file a bond, with surety to be approved by the mayor and city clerk of said City, running to the City of Highland Park in the sum of One Thousand Dollars (\$1000.00) for the full and faithful performance of these provisions.

Said Telephone Company, its successors, lessees or assigns, shall, within one year after the construction of any conduits, in any street, alley or highway of said City to replace existing poles, remove all its poles from any sidewalk or highway along which said conduits shall be built, except such poles as shall be necessary for distribution from such conduits to subscribers.

SECTION 5: All poles erected under the provisions of this ordinance shall be smooth, well-shaped and shall be put up in good workmanlike manner. All poles heretofore or hereafter erected shall be maintained in a first class condition and in a perpendicular position and shall be kept painted a uniform color.

SECTION 6: All wires of said company along or across any public thoroughfare within said City shall be maintained at a height of not less than eighteen feet from the ground, except where they cross railroad or street car tracks, at which point

they shall be maintained at a height of not less than twenty-five feet above the top rail of said tracks. The Company shall within twenty-four hours after notice has been served upon it, remove all its wires and cables along or across any street where said removal is necessary to allow the moving of any building or other structure, providing said company shall first be paid the estimated cost of such removal and of the reconnecting of such wires and cables. Any amount expended from any sum so deposited shall be returned to the party making the deposit.

SECTION 7: The location of all poles, laterals, vaults and conduits installed under the provisions of this ordinance, as well as all changes or extensions of any poles or lines of poles, laterals, vaults or conduits heretofore installed, shall be under the supervision of and subject to the approval of the Commissioner of Streets and Public Improvements, or such other person as shall be designated by the Council for that purpose, who shall issue written permits therefor. Before any permit is issued to said Company to locate any conduit, vault or lateral, said Company shall file with the City Clerk of said city, a plat, under the signature of said company, drawn to a scale, which plat shall show the exact location of each conduit, vault, and lateral now laid in the immediate locality in which said proposed work is to be done, and the exact location of each conduit, vault and lateral proposed to be laid under this ordinance which plat shall be subject to the approval of the said Commissioner of Streets and Public Improvements, as to the location of said conduits, vault and laterals.

SECTION 8: The covers for all vaults constructed under this ordinance shall be of iron or other material satisfactory to said Commissioner of Streets and Public Improvements, and said vaults shall be so built that the top of said covers shall present an even surface with the street pavement at the point where laid, and the same shall be lowered or raised by said Company whenever the grade of the street or alley in which said vault is located may be at any time hereafter lowered or raised by order of the Council of said City. The size of said covers shall not exceed in area nine square feet.

SECTION 9: No trees along any of the streets or alleys shall be cut or trimmed without the consent of the abutting property owners, and the written permission of the Commissioner of Streets and Public Improvements, or such other person as shall be designated by said Council for that purpose.

SECTION 10: Said Chicago Telephone Company, its successors, lessees and assigns, shall keep its said system, and all property installed and maintained by it at all times in a proper and safe condition and shall maintain proper barriers and danger signals during the construction, repair or renewal of all work performed under the provisions of this ordinance, so as to avoid all damage and injury to life, limb and property. Said Company shall, at its own expense, defend all suits that may be brought against said City, provided that prompt and adequate notice has been given the Company of the beginning of any suit and shall save and keep harmless the said City of Highland Park from any and all damages, costs and judgments of every kind, that may in any wise arise by reason of the failure of said Chicago Telephone Company, its successors or assigns, to properly protect said work by such barriers and danger signals during its construction, or that may arise through the negligence of said Company, its successors or assigns, its or their servants or employees, for contractors, and from any and all damages, costs and judgments of every kind that may in any wise arise by reason of the failure of said Company, its successors or assigns, to properly protect said conduits, vaults, laterals and work or by reason of the failure of said company, its successors or assigns, its or their servants or employees, to keep said work at all times during the existence of the rights herein conferred, in a safe and proper condition.

SECTION 11: Said Chicago Telephone Company shall permit the City of Highland Park the use of sufficient space for carrying its poles and fire alarm wires at the top of all poles erected hereunder which are owned and occupied by said Telephone Company, and on poles of said Telephone Company occupied jointly with electric light company, said poles and fire alarm wires shall be placed at the top of the space reserved for the use of said Telephone Company, provided that said wires shall be so placed and maintained by said City that the use of same will not impair the operation of said Telephone Company's wires. All such poles and fire alarm wires shall be under the direction and supervision of said Telephone Company's authorized representative and upon the following conditions: No such poles and fire alarm wires shall be attached to any of said poles of said Telephone Company if any such wire shall carry a voltage of more than 100 volts, nor if in any part of the circuit of such wire it is supported upon a pole on which there is any wire carrying a voltage of 5000 volts or more. In case any such poles and fire alarm wire in any part of its circuit is supported upon a pole on which there is any wire carrying a voltage of less than 5000 volts and more than 100 volts then such poles and fire alarm wire shall be attached to such pole at a point not less than five feet below such wire carrying such voltage of less than 5000 volts and more than 100 volts.

SECTION 12: Said Company so long as it exercises or enjoys the rights hereunder shall furnish to the City of Highland Park, free of charge with local exchange service for city business only, twelve single line telephones and extensions to be installed in such places within said City as the Council from time to time shall by resolution direct, provided that said Company's usual form of contract for each telephone shall be previously signed for the City by the Mayor thereof having endorsed

thereon the terms specified, and shall also furnish to said city and its officers, free toll line service for communication exclusively on the business of said City to all points on the lines of said Company between the city of Waukegan, Lake County, Illinois, and the City of Chicago, Cook County, Illinois, including said cities, and the Mayor shall certify on statements of such free toll service rendered by said Company from month to month that the several calls listed thereon were made on the business of the City of Highland Park.

SECTION 13: All rights and privileges hereby granted shall not be exclusive, but said City reserves the right to grant a like right of way and like privileges to others, the same, however, not to interfere with the rights and privileges hereby granted, and the rights and privileges hereby granted are to be taken and exercised subject to any ordinance or regulation of a police nature now existing in said City, or which said Council may hereafter adopt.

SECTION 14: Any failure on the part of said Chicago Telephone Company, its successors, lessees or assigns, to comply with any or all of the conditions or provisions of this ordinance, unless the compliance by said Company with such condition or provision is prohibited or adjudged unlawful by an order of the Illinois State Public Utilities Commission or by the order of any other body, board, commission or court of competent jurisdiction, shall operate as a forfeiture of all its rights herein, and its lines of poles and wires shall be subject to removal, and this ordinance shall then become null and void and of no force and effect, and rights and privileges herein granted shall then cease and determine, provided, however, that no such forfeiture of such rights shall exist or be claimed because of such failure until due notice of such failure so claimed shall be given to said Chicago Telephone Company, its successors, lessees or assigns, and a reasonable opportunity afforded it to correct the things complained of, and by such corrections to duly comply with the provisions of this ordinance.

SECTION 15: Said Company's rates for exchange service in said City shall not exceed the rates charged by said Company in other municipalities under like conditions for similar classes of service and said Company's rates for toll service between Highland Park and other points on said Company's lines in Illinois shall not exceed its standard air line block rate in effect between other points in its territory. The legality of said rates shall for all purposes be subject to the jurisdiction of the Illinois State Public Utilities Commission.

SECTION 16: In the event that the Illinois State Public Utilities Commission or any other body, board, commission or court of competent jurisdiction, shall adjudge any provision hereof invalid, illegal or void, such invalidity or illegality shall in no way affect the validity or legality of the remaining portions of this ordinance, and this ordinance in all other respects shall continue in full force and effect as if such portion or portions had not been adjudged invalid, illegal or void. If the furnishing of the service provided for in Section 12 hereof is so adjudged invalid, illegal or void then said Chicago Telephone Company shall, in lieu of said service and as a substitute herefor, pay to said City annually the sum of money equivalent to the lawful rates for service which would have been furnished under Section 12 hereof.

SECTION 17: All grants, franchises, rights and privileges heretofore made or given to said Company by said City by ordinance or otherwise and now existing are hereby revoked and rendered of no effect, and all existing ordinances and resolutions of said City granting rights and privileges to said Company are hereby repealed, it being the intent that this ordinance shall take the place of all prior existing ordinances, resolutions and franchises between said City and said Company.

SECTION 18: This ordinance shall be in force and effect from and after its passage, approval and due publication and after the same has been duly authorized and approved by a majority of the electors of the City of Highland Park voting thereon at a special election, as required by law, called by the Council of the City of Highland Park for such purpose and as soon thereafter as the said Chicago Telephone Company shall file with the City Clerk the bond herein required and accept in writing the terms and conditions of this ordinance; provided that if said Company, its successors or assigns, shall not file an acceptance in writing of this ordinance and the bond herein required, within thirty days from the date of said election (in the event said ordinance is authorized and approved at said election hereinafter referred to) then this ordinance shall be of no force and effect and all the rights herein granted shall absolutely cease and determine.

Samuel M. Hastings, Mayor. Passed, October 12th, 1917. Approved, November 9th, 1917. Attest: E. A. Warren, City Clerk. (15-41)

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