

ORDINANCE NO. 9

Consumers Power Company Electric Franchise Ordinance

An ordinance, granting to consumers power company, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the Charter Township of Madison, Lenawee County, Michigan, for a period of thirty years.

THE CHARTER TOWNSHIP OF MADISON HEREBY ORDAINS:

Section 1. Grant of Authority

The Charter Township of Madison, Lenawee County, Michigan, hereby grants the right, power and authority to the Consumers Power Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances, for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, and other public places, and to do a local electric business in the Charter Township of Madison, Lenawee County, Michigan for a period of thirty years.

Section 2. Term of Grant and Performance by Grantee

In consideration of the rights, power and authority hereby granted, all of which shall vest in the Grantee for a period of thirty (30) years as aforesaid, said Grantee shall faithfully perform all things required by the terms hereof.

Section 3. Placement of Poles, Power Lines and Trimming Trees

All of Grantee's towers, masts and poles shall be neat and slightly, and so placed on either side of the highways, streets, alleys and bridges as not to unnecessarily interfere with the use thereof for highway, street and alley purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways, streets and alleys. All work performed by said Grantee in said highways, streets and alleys shall be done so as not to interfere with the use thereof, and when completed, the same shall be left in as good condition as when work was commenced. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject,

however, to the supervision of the Township.

Section 4. Holding Township Harmless

Said Grantee shall at all times keep and save the Charter Township free and harmless from all loss costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures hereby authorized. In case any action is commenced against the Charter Township on account of the permission herein granted, said Grantee shall, upon notice, defend the Charter Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

Section 5. Charges to Residents

Said Grantee shall be entitled to charge the inhabitants of said Charter Township for electric energy furnished therein, the rates, including minimum charges, as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in said Charter Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefore being made by either said Charter Township, acting by its Township Board, or by said Grantee.

Section 6. Rights Non-exclusive

The rights, power and authority herein granted, are not exclusive.

Section 7. Authority of MPSC

Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Charter Township.

Section 8. Acceptance by Grantee and Confirmation

This ordinance shall cease and be of no effect after thirty days from its adoption, unless within said period the Grantee shall accept the same in writing filed with the Township Clerk, subject to confirmation of the grant hereof by at least a majority of the electors of said Charter Township voting thereon at a regular or special township election to be held in the manner provided by law. Upon the acceptance and confirmation thereof, the same shall constitute a contract between said Charter Township and said Grantee for a period of thirty years from the date of such acceptance.

YEAS: (7)

NAYS: (0)

Ordinance declared adopted on January 24, 1982.

Richard D. Williams
Township Supervisor for the
Charter Township of Madison

CERTIFICATE OF ADOPTION AND PUBLICATION

I, James O. Holtz, the duly elected Clerk of the Charter Township of Madison certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Charter Township of Madison on January 24, 1982 and published in the Adrian Daily Telegram, a newspaper circulated in the Charter Township of Madison on January 28, 1982.

James O. Holtz
Township Clerk for the
Charter Township of Madison