

CHARTER TOWNSHIP FRANCHISE

At a regular meeting of the Township Board of the Charter Township of Garfield, Grand Traverse County, Michigan duly called and held on the 13th day of February, 1986, there were present:

Lee F. Wilson, Township Supervisor,
Kay Jacobs, Township Clerk,
Anna Feiger, Township Treasurer,
Leo Strait, Township Trustee
Jim Harvey, Township Trustee,
Bob Featherstone, Township Trustee,
Dale Doerr, Township Trustee,

The following ordinance was offered by Bob Featherstone and supported by Kay Jacobs:

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 GARFIELD, GRAND TRAVERSE COUNTY, MICHIGAN.

THE CHARTER TOWNSHIP OF GARFIELD, GRAND TRAVERSE COUNTY, MICHIGAN ORDAINS:

SECTION 1. The Charter Township of Garfield, Grand Traverse 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 Garfield, Grand Traverse County, Michigan.

SECTION 2. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. All of Grantee's towers, masts and poles shall be neat and sightly, 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 Grand Traverse County Road Commission.

SECTION 4. 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. Said Grantee shall be entitled to charge the inhabitants of said Charter Township for electric energy furnished therein, the rates 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 therefor being made by either said Charter Township, acting by its Township Board, or by said Grantee.

SECTION 6. The rights, power and authority herein granted, are not exclusive.

SECTION 7. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 8. 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 9. This ordinance shall take effect upon the day after the date of publication thereof, provided, it 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. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Charter Township and said Grantee.

Dale Doerr moved that the ordinance, as read, be placed on the table until the next meeting of the Township Board and that the Township Clerk be instructed to publish the ordinance, as read, and the proceedings of this Township Board meeting, once in the Record Eagle, a newspaper published in the County in which the Charter Township is located, prior to the next meeting of the Township Board. Said motion was supported by Leo Strait.

The following was the vote thereon:

Yes: Lee Wilson, Kay Jacobs, Anna Feiger, Dale Doerr,

Leo Strait, Jim Harvey, Bob Featherstone

No: None

The Supervisor declared the motion carried.

Thereupon the meeting adjourned.


Supervisor


Township Clerk

CHARTER TOWNSHIP FRANCHISE

At a regular meeting of the Township Board of the Charter Township of Garfield, Grand Traverse County, Michigan duly called and held on the 13th day of February, 1986, there were present:

<u>Lee Wilson</u>	, Township Supervisor,
<u>Kay Jacobs</u>	, Township Clerk
<u>Anna Feiger</u>	, Township Treasurer
<u>Leo Strait</u>	, Township Trustee,
<u>Jim Harvey</u>	, Township Trustee,
<u>Bob Featherstone</u>	, Township Trustee,
<u>Dale Doerr</u>	, Township Trustee,

The Township Clerk reported that with respect to the ordinance introduced at the regular meeting held on the 23rd day of January, 1986, by the terms of which it was proposed to grant a franchise to Consumers Power Company, said ordinance had remained on the table since the last regular Board meeting, and that on the 31st day of January, 1986, the same was published in the Record Eagle, a newspaper published in the County in which the Charter Township is located.

Bob Featherstone moved that the ordinance which was introduced at the Township Board meeting held on the 23rd day of January, 1986, entitled as follows:

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 GARFIELD, GRAND TRAVERSE COUNTY, MICHIGAN.

be adopted, which motion was supported by Kay Jacobs.

The following was the vote thereon:

Yes: Lee Wilson, Kay Jacobs, Anna Feiger, Leo Strait,

Jim Harvey, Dale Doerr, Bob Featherstone

No: None

The Supervisor declared said ordinance duly adopted.

Thereupon there was presented to the Board, a communication in the following form, from the Consumers Power Company, accepting said franchise ordinance:

ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF GARFIELD,
GRAND TRAVERSE COUNTY, MICHIGAN:

The Consumers Power Company hereby accepts the franchise granted to it by your Board, on the 13th day of February, 1986, which said franchise is entitled as follows:

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 GARFIELD, GRAND TRAVERSE COUNTY, MICHIGAN.

CONSUMERS POWER COMPANY

By Lawrence B. Lindemer
Lawrence B. Lindemer
Vice President and General Counsel

Dated: February 13, 1986.

I hereby certify that the acceptance, of which the foregoing
is a true copy, was filed with me as Township Clerk, on the 13th day
of February, 1986.


Township Clerk

Dated: February 13, 1986.

Moved, that within ten days from the passage of the foregoing ordinance, the Township Clerk shall cause a true copy thereof to be published once in the above-named newspaper, and he shall record said ordinance and the passage thereof, and certify as to its publication in the manner provided by law and that within ten days from the date of this meeting, the Township Clerk shall cause a true copy of the proceedings of this Township Board meeting to be published once in the Record Eagle, a newspaper published in the County in which the Charter Township is located.

The following was the vote thereon:

Yes: Lee Wilson, Kay Jacobs, Anna Feiger, Leo Strait,
Jim Harvey, Dale Doerr, Bob Featherstone

No: None

The Supervisor declared said motion duly adopted.

Thereupon the meeting adjourned.


Supervisor


Township Clerk

STATE OF MICHIGAN)
) SS
COUNTY OF GRAND TRAVERSE)

I, Kay Jacobs Township Clerk of the Charter Township of Garfield, Grand Traverse County, Michigan, do hereby certify that the annexed is a true and correct copy of all the proceedings of the Township Board of said Charter Township, with reference to the granting of a franchise to Consumers Power Company.

I further certify that the within acceptance of said franchise is a true and correct copy of the acceptance duly filed in my office; that I have compared the within copies with the original records in my office, and that the same are true and correct transcripts therefrom.

I further certify that the franchise ordinance was duly published, as appears by proof thereof on file in my office and that all of said proceedings were regular and in accordance with all legal requirements.



Township Clerk

Dated: February 28, 1986.

CLERK'S CERTIFICATE OF PUBLICATION

I certify that the foregoing ordinance was published in the
Record Eagle, a newspaper published in the County in which the Charter
Township of Garfield is located, on the 18th day of February, 1986.



Township Clerk