

GARFIELD TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
ORDINANCE NO. 32

ELECTRIC SERVICE FRANCHISE ORDINANCE

AN ORDINANCE granting to Traverse City Light & Power Board, (hereinafter referred to as the Grantee), its successors and assigns, the non-exclusive right, power and franchise for a period of thirty (30) years from and after the adoption and approval hereof, to acquire, construct, operate and maintain in Garfield Township, Grand Traverse County, poles, equipment and facilities requisite or necessary for the transmission and distribution of electricity (and to transmit and distribute telecommunication signals).

BE IT ORDAINED:

Section 1: The Grantee, its successors and assigns, be and it is hereby granted and vested with the non-exclusive right, power, and franchise for a period of thirty (30) years from and after the adoption and approval hereof, as provided by law, to acquire, construct, maintain or operate in the Township of Garfield poles, equipment and facilities requisite or necessary for the transmission and distribution of electricity (and to transmit and distribute telecommunication signals).

Section 2: The franchise area shall be as follows:

Beginning on the North line of Section 4 at

a point where Garfield Township and the City of Traverse City city limits meet; thence West along the North line of Section 4; thence West along the North line of Section 5; thence South along the West line of Section 5; thence East along the South line of Section 5; thence South along the West line of Section 9; thence South along the West line of Section 16; thence South along the West line of Section 21; thence East along the South line of Section 21; thence South along the West line of Section 27; thence South along the West line of Section 34; thence East along the South line of Section 34; thence North along the East line of Section 34; thence North along the East line of Section 27; thence East along the South line of Section 23; thence North along the East line of Section 23; thence East along the South line of Section 13 to the city limits; thence mostly Northerly and Westerly along the city limits to the point of beginning.

Section 3: The conditions of the foregoing grant are as follows:

A. The Grantee shall not injure any street or public place without repairing such injury nor shall it disturb or interfere with any water, gas pipes or sewer.

B. The Grantee shall restore any areas where any pole or other structure or facility is installed to the same condition existing before installation.

C. The County Road Commission may require the Grantee to trim trees when necessary to assure the lines of the Grantee are safe and accessible and may require that such be done under the supervision of the County Road Commission.

D. Before commencing the construction of any electric transmission line or changing the route thereof, the Grantee shall notify the County Road Commission of the proposed construction and obtain approval from the County Road Commission and, if the County

Road Commission should so require, file with it plans and specifications of the proposed construction.

E. No street or other public place shall remain encumbered by construction work of the Grantee for longer than shall be necessary to execute the work and the County Road Commission shall determine the question of such necessity.

F. The Grantee shall at all times conform to all ordinances of the Township now in force and as amended or enacted hereinafter.

G. The Grantee shall keep on file at its principal office full and complete plans showing the exact location of all franchise equipment and facilities installed on any public property within the Township. The Grantee shall file with the Township Clerk on or before the first Monday in February of each year a current map or set of maps drawn to scale, showing the location of all franchise equipment and facilities installed in public places of the Township during the previous year, except that during the first year of the franchise such filing shall include all such equipment previously installed or operated, either prior to or after the effective date of the franchise.

H. The Township may require that the Grantee, before entering upon any public place for the purpose of construction of any pole, line, equipment or facility, file plans and specifications for such proposed pole, line, equipment for facility and shall not undertake such construction until the Town Board shall have approved the plans and specifications, which will not unreasonably be withheld.

I. The Grantee shall raise its wires or otherwise move them for the passage of any structure when so requested by the County Road Commission. Such work by Grantee shall be without charge if it is determined by the County Road Commission to be necessary for a public purpose.

J. Within twelve (12) months after the use of any franchise equipment or facility has been permanently discontinued or after the franchise expires or is otherwise terminated, the Grantee shall remove such property from any public place in the Township and restore such public place so as to conform in all respects with the current condition of such public place at the date of such restoration; provided such property shall not be removed if the Township Supervisor shall determine that such removal shall cause unreasonable damage to such place and the Township Supervisor thereupon requests that any such property shall remain in place then such property shall not be removed and title thereto shall become vested in the Township.

Section 4: The franchise granted herein is subject to confirmation at the next regular election or special election by a majority of the Garfield Township electors voting upon the question in the affirmative.

Section 5: The Grantee shall not assign the franchise or otherwise transfer it or permit others to use it except on prior written approval by Ordinance enacted by the Town Board.

Section 6: The Grantee shall indemnify and defend the Township and all of its agents and employees against any and all liability for damage to any person or property caused by the Grantee in the

construction, operation or maintenance of its property or arising out of the exercise of any right or privilege of the franchise.

Section 7: In the event the Grantee shall fail to conform to the conditions and provisions hereof, the Town Board may direct that notice of violation be given to the Grantee, which notice may establish a time limit for conformity by the Grantee. Should the Grantee not comply with the terms of such notice then the Town Board may revoke this franchise after holding a hearing and determining that the Grantee is not in substantial compliance with the terms and conditions hereof, which hearing shall be held upon such notice and rules as the Town Board may determine.

Section 8: This ordinance will take effect upon publication of the ordinance.

LEE F. WILSON, Supervisor
KAY JACOBS, Clerk
Charter Township of Garfield
Passed by the Town Board on:
June 8, 1989
Prepared in the Law Offices of:
Running, Wise, Wilson, Ford
and Phillips
By: William L. Wise
Township Attorneys
Business Address:
326 E. State Street
P.O. Box 686
Traverse City, MI 49684

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TO THE RECORD EAGLE:

Please publish on:

June 16, 1989

Please send affidavit
and billing to:

Charter Township

RECEIVED BY THE RECORD EAGLE:

Date: 6-13-89

By: Jeri Burnett

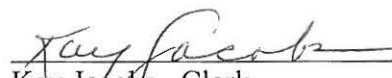


Charter Township of Garfield

Grand Traverse County

3848 VETERANS DRIVE
TRAVERSE CITY, MICHIGAN 49684
PH: (231) 941-1620 • FAX: (231) 941-1588

I hereby certify that the foregoing constitutes a true and complete copy of
Ordinance 32, Electrical Service Franchise, duly adopted by the Township Board of the
Charter Township of Garfield, County of Grand Traverse, Michigan, at a meeting held on
June 8, 1989 and that said meeting was conducted and public notice of said meeting was
given pursuant to and in full compliance with the Open Meetings Act, being Act 267,
Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will
be or have been made available as required by said Act.



Kay Jacobs, Clerk
Charter Township of Garfield
Traverse City, MI