

ORDINANCE NO. 1989-3

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 COMMERCIALY 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 TOWNSHIP OF AMBOY, HILLSDALE COUNTY, MICHIGAN, FOR A PERIOD OF THIRTY YEARS.

THE TOWNSHIP OF AMBOY ORDAINS:

SECTION 1. GRANT, TERM. The Township of Amboy, Hillsdale 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, alley, bridges and other public places, and to do a local electric business in the Township of Amboy, Hillsdale County, Michigan, for a period of thirty years.

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

SECTION 3. CONDITIONS. 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 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 highway authorities..

SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the 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 Township on account of the permission herein granted, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance

SECTION 5. RATES. Said Grantee shall be entitled to charge the inhabitants of said 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 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 Township, acting by its Township Board, or by said Grantee.

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

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

SECTION 8. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. 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 Township.

SECTION 9. EFFECTIVE DATE 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 Township and said Grantee.

TIME SCHEDULE
REVOCABLE ELECTRIC FRANCHISE
TOWNSHIP OF AMBOY, HILLSDALE County

March 8, 1989
Meeting of Township Board

Franchise Ordinance Passed
Ordinance accepted by the Company

Within 15 Days

By March 31, 1989
Publish franchise ordinance in the Hillsdale Daily News

TOWNSHIP FRANCHISE

At a regular meeting of the Township Board of the Township of Amboy, Hillsdale County, Michigan, duly called and held on the 8th day of March, 1989, there were present:

Claire Leininger, Supervisor
Bernadine Schaedler, Township Clerk
Joe St. John, Township Treasurer
Gregory Clevenger, Township Trustee
Roger Pitts, Township Trustee

The following ordinance was offered by Claire Leininger and supported by Joe St. John.

ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF AMBOY, HILLSDALE COUNTY,
MICHIGAN:

The Consumers Power Company hereby accepts the franchise granted to it by your Board, on the 8th day of March 1989, 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 COMMERCIALY 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 TOWNSHIP OF AMBOY, HILLSDALE COUNTY, MICHIGAN, FOR A PERIOD OF THIRTY YEARS.

CONSUMERS POWER COMPANY
K E McGraw, Vice President
Customer Services and Marketing

Dated March 8, 1989.

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The forgoing ordinance was duly adopted and passed by the Township Board of Amboy Township, Hillsdale County, Michigan, on the 8th day of March, 1989, by the following vote:

Claire Leininger – Supervisor	Yes
Bernadine Schaedler – Clerk	Yes
Joe St. John – Treasurer	Yes
Gregory Clevenger – Trustee	Yes
Roger Pitts – Trustee	Yes

Ordinance was offered by: Claire Leininger and supported by: Joe St. John.

Further certify that the foregoing ordinance was published in the Hillsdale Daily News, a newspaper of general circulation in the above Township, on the 17th day of March 1989.

Acceptance – The Consumers Power Company hereby accepts the franchise granted to it by the Board, on the 8th day of March 1989, which said franchise is entitled as above.

EFFECTIVE DATE: March 18, '89. This ordinance shall take effect upon the day after the date of publication thereof. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Township and said Grantee.

Bernadine Schaedler
Amboy Township Clerk

