

*Ordinance-00*ORDINANCE GRANTING FRANCHISE TO
CONSUMERS POWER COMPANY

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, wires, transformers and other electrical appliances on, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the TOWNSHIP OF MANCHESTER, WASHTENAW COUNTY, MICHIGAN, for a period of thirty years, and repealing the ordinance adopted by the Township Board of said Township on February 18, 1929, whereby an electric franchise was granted to Consumers Power Company, its successors and assigns.

SECTION 1. The Township of Manchester, Washtenaw County, Michigan, hereby grants the right, power and authority to the Consumers Power Company, a corporation authorized to transact business in Michigan, its successors and assigns, hereinafter called the "Grantee," to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, wires, transformers and other electrical appliances, for the purpose of transmitting, transforming and distributing electricity on, along and across the highways, streets, alleys, bridges, and other public places, and to do a local electric business in the Township of Manchester, Washtenaw County, Michigan, for a period of thirty years.

SECTION 2. 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. 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 the highway authorities.

SECTION 4. 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 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. Said Grantee shall be entitled to charge the inhabitants of said 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 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 Township, acting by its Township Board, or by said Grantee.

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

SECTION 7. This ordinance, when accepted and confirmed as herein provided, shall repeal the provisions of the ordinance adopted by the Township Board of the Township of Manchester on February 18, 1929, entitled:

"AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successor and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, cross-arms, guys, braces, wires, transformers and other electrical appliances on, along and across the public highways, streets, alleys, bridges and other public places, and to do a local electric business in the TOWNSHIP OF MANCHESTRR, WASHTENAW COUNTY, MICHIGAN, for a period of thirty years."

and the amendments, if any, to such ordinance, whereby a franchis was granted to Consumers Power Company.

SECTION 8. 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 hereby by at least a majority of the electors of said 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 Township and said Grantee for a period of thirty years from and after the eighteenth (18th) day of February, 1959.

Waldo C. Marx

Waldo C. Marx,
Manchester Township Clerk.

I certify that the foregoing ordinance was adopted at a regular meeting of the Manchester Township Board held April 22, 1963 at which members of the Township Board all voted Yes for the adoption of the Ordinance, and that the Ordinance was published in the Manchester Enterprise a newspaper of general circulation in Manchester Township on April 25, 1963.

Waldo C. Marx

Waldo C. Marx,
Manchester Township Clerk.