

ORDINANCE NO. 34

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 TOWNSHIP OF MANCHESTER, WASHTENAW COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF MANCHESTER ORDAINS:

SECTION 1. GRANT, TERM. The Township of Manchester, Washtenaw 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 Township of Manchester, Washtenaw 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 therefor 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. REVOCATION. 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.

CLERK'S CERTIFICATE OF PUBLICATION

The foregoing ordinance was duly adopted and passed by the Township Board of Manchester Township, Washtenaw County, Michigan, on the ninth day of January, 1989, by the following vote:

<u>Ronald E. Mann</u> Supervisor	<u>Yes</u> (Yes or No)
<u>Wilma E. Lentz</u> Township Clerk	<u>Yes</u>
<u>Jeannine M. Uphouse</u> Township Treasurer	<u>Yes</u>
<u>Carl Macomber</u> Township Trustee	<u>Yes</u>
<u>Lyle Widmayer</u> Township Trustee	<u>Yes</u>

I further certify that the foregoing ordinance was published in the Manchester Enterprise, a newspaper of general circulation in the above Township, on the 19th day of January, 1989.

Wilma E. Lentz
Township Clerk

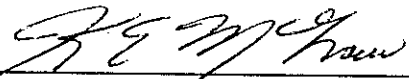
ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF MANCHESTER, WASHTENAW COUNTY,
MICHIGAN:

The Consumers Power Company hereby accepts the franchise granted to
it by your Board, on the 9th day of JANUARY, 1989, which said fran-
chise 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, trans-
mission 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 elec-
tric business in the TOWNSHIP OF MANCHESTER,
WASHTENAW COUNTY, MICHIGAN, for a period of
thirty years.

CONSUMERS POWER COMPANY

By 
K E McGraw, Vice President
Customer Services and Marketing

Dated: JANUARY 9, 1989.

I hereby certify that the acceptance, of which the foregoing is a true copy, was filed with me as Township Clerk, on the ninth day of January, 1989.

Wilma E. Lentz
Township Clerk

Dated: 1-09-89, 1989.

STATE OF MICHIGAN)
) SS
COUNTY OF WASHTENAW)

I Wilma E. Lentz, Township Clerk of the Township of Manchester, Washtenaw County, Michigan, do hereby certify that the annexed is a true and correct copy of all of the proceedings of the Township Board of said 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.

Wilma E. Lentz
Township Clerk

Dated: January 20, 1989.