

RECORD OF ORDINANCES

ORDINANCE NO. 11

Township of EVANGELINE County of CHARLEVOIX

Ordinance No. 111 enacted by the Board March 5, 1985

Published: March 20, 1985 within 10 days after enactment.

Effective April 5, 1985.

Record of votes of Board Members:

(Yes or No)

(Yes or No.)

Bessie VanDorn (yes) Anne Thurston (yes)

Myrtle Wasylewski (yes) Betty Houser (yes)

Susanne Winter (yes) _____ (_____)

I CERTIFY that publication was made on _____, 19____
within 10 days after enactment of ordinance.

Signed: Anne Thurston Township Clerk

THE TOWNSHIP OF _____ ORDAINS,

See attached sheets

Signed _____ Supervisor _____ Clerk

TIME SCHEDULE
REVOCABLE ELECTRIC FRANCHISE
TOWNSHIP OF EVANGELINE, CHARLEVOIX COUNTY

March 11, 1985

Meeting of Township Board

Franchise ordinance passed
Ordinance accepted by the Company

Within 30 Days

Publish franchise ordinance in the
Charlevoix County Press
(Clerk to certify to such publication thereafter)

TOWNSHIP FRANCHISE

At a regular meeting of the Township Board of the Township of Evangeline, Charlevoix County, Michigan, duly called and held on the 5th day of March, 1985, there were present:

Bessie VanDorn, Supervisor,
Anna Thurston, Township Clerk,
Marta Wasylowski, Township Treasurer,
Betty Houser, Township Trustee,
Susanne Whites, Township Trustee.

The following ordinance was offered by Betty Houser
and supported by Bessie VanDorn

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 EVANGELINE, CHARLEVOIX COUNTY, MICHIGAN.

THE TOWNSHIP OF EVANGELINE ORDAINS:

SECTION 1. The Township of Evangeline, Charlevoix 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 Evangeline, Charlevoix 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 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 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. 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. 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 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 Township and said Grantee.

CLERK'S CERTIFICATE OF PUBLICATION

The foregoing ordinance was duly adopted and passed by the Township Board of Evangeline Township, Charlevoix County, Michigan, on the 5th day of March, 1985, by the following vote:

<u>Bessie Van Doren</u> Supervisor	<u>Yes</u> (Yes or No)
<u>Anna Thurston</u> Township Clerk	<u>Yes</u>
<u>Martha Wasilowski</u> Township Treasurer	<u>Yes</u>
<u>Betty Housor</u> Township Trustee	<u>Yes</u>
<u>Susanne Winter</u> Township Trustee	<u>Yes</u>

I further certify that the foregoing ordinance was published in the Charlevoix County Press, a newspaper of general circulation in the above Township, on the 20th day of March, 1985.

Anna Thurston
Township Clerk

ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF EVANGELINE, CHARLEVOIX
COUNTY, MICHIGAN:

The Consumers Power Company hereby accepts the franchise granted to it by your Board, on the 5TH day of MARCH, 1985, 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 TOWNSHIP OF EVANGELINE, CHARLEVOIX COUNTY, MICHIGAN.

CONSUMERS POWER COMPANY

By Lawrence B. Vindeur
Vice President and General Counsel

Dated: 3-5, 1985.

I hereby certify that the acceptance, of which the foregoing
is a true copy, was filed with me as Township Clerk, on the 5th day
of March 1985.

Anne Thurston
Township Clerk

Dated: March, 1985.

STATE OF MICHIGAN)
COUNTY OF Charlevoix) SS

I, _____, Township Clerk of the Township of Evangeline, Charlevoix 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.

Anne Thurston
Township Clerk

Dated: March 5, 1985