

Ordinance No. 28

CONSUMERS POWER COMPANY ELECTRIC FRANCHISE ORDINANCE TOWNSHIP OF COVERT, MICHIGAN adopt. Oct 1, 1990

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 provide standby or auxiliary electric service to one customer in a specific area of the Township of Covert, Van Buren County, Michigan, for a period of thirty (30) years.

THE TOWNSHIP OF COVERT ORDAINS:

Sec. 1. GRANT, TERM.

The Township of Covert, Van Buren 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 and transforming electricity on, under, along and across the highways, streets, alleys, bridges and other public places, and to provide standby or auxiliary electric service to one customer in a specified area of the Township of Covert, Van Buren County, Michigan for a period of thirty (30) years. The right of said Grantee to provide standby or auxiliary electric service to one customer in the Township of Covert shall be limited to the area of the Palisades Plant which is specifically described as follows:

All that part of Sections 4 & 5, T2S, R17W, Covert Township, Van Buren County, Michigan lying easterly of the Lake Michigan Shoreline; westerly of the westerly right of way line of the New Blue Star Highway; southerly and westerly of a line, the point of beginning of said line being S 0 degrees 02' 27" W along the east line of the northeast ¼ of Section 5, 975.48 feet from the northeast corner of said section; thence N 89 degrees 11' 16" W, 1212.82 feet to the centerline of the Old Blue Star Highway; thence northerly 665.86 feet along the centerline of said highway and the arc of a 1 degree 30' curve to the right, having a radius of 3819.80 and a long chord which bears N 2 degrees 23' 32" E, 665.02 feet; thence N 88 degrees 57' 08" W, 1490.33 feet; thence N 88 Degrees 57' 08" W to the easterly shoreline of Lake Michigan and the Point of ending of said line; southerly of a line, the point of beginning of said line is S 0 degrees 02' 27" W, along the west line of the northwest ¼ of Section 4, 975.48 feet from the northwest corner of said section; thence S 88 degrees 58' 50" E, 639.67 feet to the westerly right of way line of the New Blue Star Highway and the point of ending of said line; northerly of a line the point of beginning of said line is S 0 degrees 06' 42" W along the east line of southeast ¼ of Section 5, 2182.52 feet from the east ¼ of said section; thence N 89 degrees 12' 06" W, 2663.54 feet; thence N 89 degrees 14' 40" W, 1717.79 feet; thence N 35 degrees 59' 29" W, 16.44 feet; thence N 30 degrees 55' 04" E, 27.75 feet; thence N 67 degrees 48' 27" W, 146.21 feet; thence S 21 degrees 11' 23" W, 50.00 feet; thence N 67 degrees 48'

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27" W, 144.51 feet; thence N 67 degrees 48' 27" W to the easterly shoreline of Lake Michigan and the point of ending of said line. (ord. No. 28 adopt. Oct. 1, 1990)

Sec. 2. CONSIDERATION.

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. (ord. No. 28 adopt. Oct. 1, 1990)

Sec. 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 the 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 and 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 trip trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities. (ord. No. 28 adopt. Oct. 1, 1990)

Sec. 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. (ord. No. 28 adopt. Oct. 1, 1990)

Sec. 5. FRANCHISE NOT EXCLUSIVE.

The rights, power and authority herein granted, are not exclusive. (ord. No. 28 adopt. Oct. 1, 1990)

Sec. 6. REGULATORY JURISDICTION.

Said Grantee shall, as to all conditions and elements of service including rates, be and remain subject to the reasonable rules and regulations of the appropriate state and federal regulatory agencies or their successors, which are applicable to auxiliary and standby electric services in the said Township. (ord. No. 28 adopt. Oct. 1, 1990)

Sec. 7. EFFECTIVE DATE.

This Ordinance shall cease and be of no effect thirty (30) 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 hereof 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 (30) years from the date of such acceptance and

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shall be irrevocable. In the event this Ordinance fails to be confirmed by at least a majority of the electors of said Township voting thereon, then this Ordinance shall constitute a contract between said Township and said Grantee which is revocable at the will of either party; provided that, sixty (60) days' advance notice of such intent to revoke is given by said party desiring revocation. (ord. No. 28 adopt. Oct. 1, 1990)