

ORDINANCE NO. 111

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 LITTLEFIELD, EMMET COUNTY, MICHIGAN for a period of thirty years.

THE TOWNSHIP OF LITTLEFIELD ORDAINS:

SECTION 1. The Township of Littlefield, Emmet 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 Littlefield, Emmet 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 for a period of thirty years from the date of such acceptance.

CLERK'S CERTIFICATE OF PUBLICATION

The foregoing ordinance was duly adopted and passed by the  
Township Board of Littlefield Township, Emmet County, Michigan, on the  
5<sup>th</sup> day of May, 1987, by the following vote:

<u>James Young</u> Supervisor	<u>yes</u> (Yes or No)
<u>Avis Granger</u> Township Clerk	<u>yes</u>
<u>Elizabeth Eggers</u> Township Treasurer	<u>Absent</u>
<u>David Bell</u> Township Trustee	<u>yes</u>
<u>David Makee</u> Township Trustee	<u>yes</u>

I further certify that the foregoing ordinance was published  
in the Petoskey News-Review, a newspaper of general circulation in the  
above Township, on the 11 day of May, 1987.

Avis Granger  
Township Clerk

ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF LITTLEFIELD, EMMET COUNTY,  
MICHIGAN:

The Consumers Power Company hereby accepts the franchise granted  
to it by your Board, on the 5<sup>th</sup> day of May, 1987, 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, 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 LITTLEFIELD,  
EMMET COUNTY, MICHIGAN for a period of thirty years.

CONSUMERS POWER COMPANY

By Stephen H. Howell  
Stephen H. Howell  
Executive Vice President

Dated: May 5, 1987.

I hereby certify that the acceptance, of which the foregoing  
is a true copy, was filed with me as Township Clerk, on the 5<sup>th</sup> day  
of May, 1987.

Avis Shanger  
Township Clerk

Dated: May 5 1987.

STATE OF MICHIGAN     )  
                              ) SS  
COUNTY OF EMMET     )

I, Avis Shanger Township Clerk of the Township of Littlefield, Emmet County, Michigan, do hereby certify that the annexed is a true and correct copy of all 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.

Avis Shanger  
Township Clerk

Dated: May 5, 1987.