

TOWNSHIP OF LAKE
MISSAUKEE COUNTY
MICHIGAN

Ordinance No. 11

An Ordinance granting a revocable, non-exclusive public utility franchise to O & A Electric Cooperative in order to serve Lake Township.

The Township of LAKE ORDAINS:

Section 1. Grant of Franchise. That O & A Electric Cooperative, its successors and assigns, is hereby granted and vested with the right, power and franchise for a period of thirty (30) years from and after the adoption and publication hereof, to acquire, construct, maintain or operate in the Township of Lake the necessary facilities for the production, transmission, distribution and sale of electric energy for public and private use, and to construct and maintain along, upon, across or under the highways, streets, alleys, and other public places of the township to set poles, string wires, lay pipes or conduit and other necessary fixtures and equipment for such purposes and to transact a local electric business.

Section 2. Non-exclusive Nature, Term. This public utility franchise hereby granted is non-exclusive and shall be for a period of thirty (30) years from the effective date of this ordinance unless sooner revoked.

Section 3. Revocation. This public utility franchise hereby granted is subject to a revocation at the will of the township.

Section 4. Indemnification. O & A Electric Cooperative shall indemnify, hold Lake Township harmless, and defend Lake Township against any claim, action or demand that may be asserted against Lake Township by reason of wrong doing or negligence of O & A Electric Cooperative, its employees, agents, and independent contractors, in the construction or maintenance of the structures hereby authorized or from any claim or actionable consequence directly resulting from this non-exclusive grant of franchise.

Section 5. Conditions of Work. The public utility franchise hereby granted is subject to the following conditions:

A. O & A Electric Cooperative, its employees, agents and independent contractors shall not injure any street, highway, alley or other public place, nor shall it disturb or interfere with any water, sewer or gas pipes not or hereafter constructed by any authorized person.

B. Whenever O & A Electric Cooperative, its employees, agents and independent contractors, shall begin the placement or repair of any lines or equipment, it shall promptly and diligently prosecute the work to completion and leave the streets, alley and public places where such work is done in as good condition of repair as before such work was commenced.


C. All of O & A Electric Cooperative's towers, masts and poles shall be placed on either side of the highway, streets, alleys or bridges as to not unnecessarily interfere with the use thereof for highway, street and alley purposes. All of the wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highway, street and alley right-of-ways.


Section 6. Reservation of Governmental Rights. Nothing in this public utility franchise shall be construed in any manner as a surrender by the Township of its legislative power nor shall it in any manner be interpreted as limiting the right of the Township, the County Road Commission, or the State of Michigan to regulate the use of any street, highway, alley or public place within its jurisdiction. O & A Electric Cooperative shall move, at its own costs, any of its structures to accommodate any changes within any of the road right-of-ways in the layout of the highway, streets or alleys as made by the Township, County Road Commission or State of Michigan.

Section 7. Parks. O & A Electric Cooperative must have prior Township written approval before it can undertake any clearing or construction within a Township or County park.

Section 8. Effective Date. This franchise shall take effect one day after its publication.

Adopted: October 9, 1996



Thomas R. Duddles, Supervisor


Bonnie J. Brown, Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF MISSAUKEE)

I, the undersigned, the duly qualified and acting township clerk of the Township of Lake do hereby certify that the foregoing is a true and complete copy of the proceedings adopted at a regular meeting of the township board held on the 9th day of October, 1996, the original of which proceedings is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 9th day of October, 1996.


Bonnie J. Brown, Clerk