

CONSUMERS POWER COMPANY GAS AND/OR ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services, and 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, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas and/or electric business in the TOWNSHIP OF LAKE, MISSAUKEE COUNTY, MICHIGAN for a period of thirty years.

THE TOWNSHIP OF LAKE ORDAINS:

SECTION 1. GRANT, TERM. The Township of Lake, Missaukee County, Michigan, hereby grants to the Consumers Power Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to lay, maintain and operate gas mains, pipes and services, and 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, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas and/or electric business in the Township of Lake, Missaukee County, Michigan, for a period of thirty years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall pay to said Township the sum of seven thousand five hundred dollars (\$7,500), payable in thirty equal annual installments during the month of January of each year.

SECTION 3. CONDITIONS. No street, alley, bridge, highway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's structures and equipment shall be so placed on either side of the highways as not to unnecessarily interfere with the use thereof for highway 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. 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, operation and maintenance of the structures and equipment 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 said permission.

SECTION 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted are not exclusive. The right to do a gas business and the right to do an electric business hereunder are several, and such rights may be separately exercised, owned and transferred. Either manufactured or natural gas may be furnished hereunder.

SECTION 6. EXTENSIONS. Said Grantee shall from time to time extend its gas and electric systems to and within said Township, and shall furnish gas or electricity to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 7. RATES. The Grantee shall be entitled to charge the inhabitants of said Township for gas and/or electricity 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 gas and electric rates and rules regulating such service in said Township, are hereby granted. 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 8. REVOCATION. The franchise granted by this Ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Said Grantee shall, as to all other conditions and elements of service, both gas and electric, not herein fixed, be and remain subject to reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas or electric service in said Township.

SECTION 10. REPEALER. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of the ordinance adopted on July 15, 1959 entitled:

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, wires, transformers and other electrical appliances on, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the TOWNSHIP OF LAKE, MISSAUKEE COUNTY, MICHIGAN, for a period of thirty years,

and amendments, if any, to such ordinance whereby an electric franchise was granted to Consumers Power Company.

and also shall repeal and supersede the provisions of the ordinance adopted on July 18, 1961 entitled:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, and other public places, and to do a local gas business in the TOWNSHIP OF LAKE, MISSAUKEE COUNTY, MICHIGAN, for a period of thirty years,

and amendments, if any, to such ordinance whereby a gas franchise was granted to Consumers Power Company.

SECTION 11. 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 Lake Township, Missaukee County, Michigan, on the 6 day of 7, 1989, by the following vote:

<u>Rance Riggle</u> Supervisor	<u>yes</u> (Yes or No)
<u>Mary Law Schut</u> Township Clerk	<u>yes</u>
<u>Jan Del Bello</u> Township Treasurer	<u>yes</u>
<u>Al Krafue</u> Township Trustee	<u>yes</u>
<u>Ed Olson</u> Township Trustee	<u>yes</u>

I further certify that the foregoing ordinance was published in The Waterfront, a newspaper of general circulation in the above Township, on the 6 day of 7, 1989.

Mary Law Schut
Township Clerk

ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF LAKE, MISSAUKEE COUNTY, MICHIGAN:

The Consumers Power Company hereby accepts the franchise granted to it by your Board on the 6 day of 7, 1989, which said franchise is entitled as follows:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services, and 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, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas and/or electric business in the TOWNSHIP OF LAKE, MISSAUKEE COUNTY, MICHIGAN for a period of thirty years.

CONSUMERS POWER COMPANY

By



K E McGraw, Vice President
Customer Services and Marketing

Dated: 7-6, 1989.

I hereby certify that the acceptance, of which the foregoing is a true copy, was filed with me as Township Clerk, on the 6 day of 7, 1989.

Mary Lou Schut
Township Clerk

Dated: 7-6, 1989.

STATE OF MICHIGAN)
) SS
COUNTY OF MISSAUKEE)

I, Mary Lau Schuit, Township Clerk of the Township of Lake, Missaukee 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.

Mary Lau Schuit
Township Clerk

Dated: 7-6, 1989.