

THE CHARTER TOWNSHIP OF GARFIELD
PROPOSED ORDINANCE NO. 28
ORDINANCE GRANTING FRANCHISE TO CITY
OF TRAVERSE CITY FOR WATER DISTRIBUTION SYSTEM

PLEASE TAKE NOTICE that the following proposed Ordinance was introduced at a meeting of the GARFIELD TOWNSHIP BOARD on the 11th day of February, 1988, and that the same will be the subject of a public hearing and considered for passage by the Garfield Township Board on the 10th day of March, 1988, at 7:00 p.m. in the Garfield Township Hall, 3848 Townhall Road, Traverse City, Michigan 49684, phone: 941-1620.

An Ordinance to grant a non-exclusive franchise to the City of Traverse City, to supply potable water and water distribution facilities within the Township of Garfield.

THE CHARTER TOWNSHIP OF GARFIELD
GRAND TRAVERSE COUNTY, MICHIGAN

ORDAINS:

There is hereby adopted an Ordinance granting to the City of Traverse City, a Michigan municipal corporation, a no-exclusive franchise to supply potable water and water distribution facilities within the Township of Garfield, pursuant to the following terms of the franchise:

SECTION I

Grant of Franchise

The Township of Garfield, State of Michigan, hereinafter referred to as Grantor, hereby grants to the City of

Traverse City, hereinafter referred to as Grantee, a non-exclusive franchise to construct, repair, maintain and operate a water distribution system within the franchise area described in Section II below in the Township of Garfield.

SECTION II

Franchise Area

This franchise shall be limited to the area described in Exhibit C to the Water Supply Agreement dated March 11, 1988 between the parties which is incorporated herein by reference. The franchise area can be expanded at the mutual consent of both parties.

SECTION III

Term

The franchise granted by this Ordinance shall be revocable at the will of the Grantor.

SECTION IV

Ownership of Water Distribution System in the Event of Revocation of Franchise

In the event this franchise shall be revoked for any reason, then and in that event the entire water distribution system, including but not limited to all pipe in the ground within the franchise area, shall immediately become the property of the Township or City as shown and allocated in Attachment C to the aforesaid Water Supply Agreement.

SECTION V

Construction and Maintenance Standards

The water distribution system within the franchise area

shall be constructed in accordance with standards at least as great as those that are in effect within the Grantor Township from time to time and maintained in accordance with the standard established for the rest of Traverse City water distribution system or the standards of the American Water Works Association, whichever are greater.

SECTION VI

Water Agreement

This franchise is granted pursuant to the terms and conditions of a Water Supply Agreement between the Grantor and the Grantee dated March 11, 1988. The Grantee shall file promptly with the Grantor copies of all water agreements between the City and customers within the franchise area and any amendments thereto. On file in the Township Clerk's Office is the Wholesale Water Contract dated May 1, 1977, between the City of Traverse City and the Township.

SECTION VII

Hold Harmless

The Township agrees to hold harmless and indemnify the City from any and all losses and/or expenses, including actual reasonable attorney fees, that may be incurred by the City in litigating the legality of this franchise and the aforesaid Water Supply Agreement or as a result of a decision by a court of competent jurisdiction that the franchise or Water Supply Agreement are invalid. The Township represents that this franchise and the procedure for its adoption are legally sufficient to allow the City to utilize the highways, streets,

alleys and other public places within the franchise area for the purpose of operating and transacting the local business of the water distribution system provided for in the franchise.

SECTION IX

Effective Date

This Ordinance shall take effect immediately upon passage by the Garfield Township Board.

LEE F. WILSON, Supervisor
KAY JACOBS, Clerk
The Charter Township of Garfield
Introduced February 11, 1988
Adopted
Prepared in the Law Offices of:
Running, Wise, Wilson, Ford and
Phillips
By: William L. Wise
Township Attorneys
Business Address:
326 State Street
Traverse City, Michigan 49684

ATTACHMENT C"

Franchise Area - Section 14

More specifically described as the area on the top half of the hatched area along the south side of Boon Street and one lot deep. Also the area on the West side of Barlow and one lot deep up to and including the lot that can be served by the 10 inch main with hydrant #590 on the end. Also including the lots on both sides of Robinwood Court and that area which is now known as Town & Country Mobile Village.

City Owned Water Mains

The 10 inch main on the west side of Barlow extending from the City limits to hydrant #590 and just beyond and the 20 inch main extending from the City limits at Point A to the LaFranier Reservoir at Point B is a City owned main and shall remain a City owned main in the event that the franchise is revoked.

Beginning at the Northeast corner of Section 14, Town 27 North, Range 11 West, thence South 385 feet, thence West 660.37 feet, thence North 0 degrees 20' 10" West 186 feet, thence North 89 Degrees 58' 40" West 153.63 feet, thence North 89 degrees 18' West 508 feet, thence South 0 degrees 20' West to the Southeast corner of the Northwest 1/4 of the Northeast 1/4 Section 14, thence West 1353 feet, thence North 0 degrees 20' East to the

Southeast corner of lot 35 Hannah Lay & Co's 15th Addition, thence West 243.85 feet, thence North 137.75 feet, thence East 27.85 feet, thence North 137.75 feet, thence East 16 feet, thence North 248 feet, thence West to Woodmere Ave., thence North to the Northwest corner lot 33 Hannah Lay & Co.'s 15th Addition, thence East to point of beginning.

Franchise Area - Section 15

More specifically described as that area south of the City limits along Cass up to the Township meter pit on Cass.

City Owned Water Main

The water main that is the 16 inch main extending south from the City limits to the Township meter pit on Cass is a City owned line and shall remain a City owned line in event that the franchise is revoked. The intent is to serve any customer between the city limits and meter pit.

Franchise Area

All of Section 4 and Sections 9 in Garfield Township.

City Owned Water Main

The City owns the 6 inch water main in Section 4 in Incochee.

The State Hospital owns the water on the metered side of the State Hospital property. The City owns no water main in Section 9.

Boon/Barlow Street

Beginning at the Northeast corner of Section 14, Town 27 North, Range 11 West, thence South 385 feet, thence West 660.37 feet, thence North 0 degrees 20' 10" West 186 feet, thence North 89 degrees 58' 40" West 153.63 feet, thence North 89 degrees 18' West 508 feet, thence South 0 degrees 20' West to the Southeast corner of the Northwest 1/4 of the Northeast 1/4 Section 14, thence West 1353 feet, thence North 0 degrees 20' East to the Southeast corner of lot 35 Hannah Lay & Co's 15th Addition, thence West 243.85 feet, thence North 137.75 feet, thence East 27.85 feet, thence North 137.75 feet, thence East 16 feet thence North 248 feet, thence West to Woodmere Ave., thence North to the Northwest corner lot 33 Hannah Lay & Co's 15th Addition, thence East to point of beginning.

Cass Rd. Area

Government lot 1, Section 15, Town 27 North, Range 11 West, except Cromley's Country Club Subdivision.

Incochee/State Hospital Area

Sections 4 & 9, Town 27 North, Range 11 West




Charter Township of Garfield

Grand Traverse County

3848 VETERANS DRIVE
TRAVERSE CITY, MICHIGAN 49684
PH: (231) 941-1620 • FAX: (231) 941-1588

I hereby certify that the foregoing constitutes a true and complete copy of **Ordinance 28**, Ordinance Granting Franchise to City of Traverse City for Water Distribution System, duly adopted by the Township Board of the Charter Township of Garfield, County of Grand Traverse, Michigan, at a meeting held on March 10, 1988 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.



Kay Jacobs, Clerk
Charter Township of Garfield
Traverse City, MI