

GARFIELD TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
ORDINANCE NO. 29

ELECTRIC SERVICE FRANCHISE ORDINANCE

AN ORDINANCE granting to Wolverine Power Supply Cooperative, Inc., (hereinafter referred to as the Grantee), its successors and assigns, the non-exclusive right, power and franchise for a period of thirty (30) years from and after the adoption and approval hereof, to acquire, construct, operate and maintain in Garfield Township, Grand Traverse County, the necessary facilities for the production, transmission, and sale of electric energy at wholesale to its member-distribution cooperatives and between the Grantee and other parties pursuant to wholesale power agreements, and to use and occupy the highways, streets, alleys, and other public places of the Township to set poles, string wires, lay pipes or conduits, and to transact an electric business.

BE IT ORDAINED:

Section 1: The Grantee, its successors and assigns, be and it is hereby granted and vested with the non-exclusive right, power, and franchise for a period of thirty (30) years from and after the adoption and approval hereof, as provided by law, to acquire, construct, maintain or operate in the Township of Garfield the necessary facilities for the production, transmission, and sale of

electric energy at wholesale to its member-distribution cooperatives and between the Grantee and other parties pursuant to wholesale power agreements, 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 within Garfield Township.

Section 2: The conditions of the foregoing grant are as follows:

A. The Grantee shall not injure any street or public place without repairing such injury nor shall it disturb or interfere with any water, gas pipes or sewer.

B. The Grantee shall restore any areas where any pole or other structure or facility is installed to the same condition existing before installation.

C. The County Road Commission may require the Grantee to trim trees when necessary to assure the lines of the Grantee are safe and accessible and may require that such be done under the supervision of the County Road Commission.

D. Before commencing the construction of any electric transmission line or changing the route thereof, the Grantee shall notify the County Road Commission of the proposed construction and obtain approval from the County Road Commission and, if the County Road Commission should so require, file with it plans and specifications of the proposed construction.

E. No street or other public place shall remain encumbered by construction work of the Grantee for longer than

shall be necessary to execute the work and the County Road Commission shall determine the question of such necessity.

F. The Grantee shall at all times conform to all ordinances of the Township now in force and as amended or enacted hereinafter.

G. The Grantee shall keep on file at its principal office full and complete plans showing the exact location of all franchise equipment and facilities installed on any public property within the Township. If requested by the Township, the Grantee shall file with the Township Clerk a map or set of maps for a specific location where franchise equipment and facilities is installed in public places of the Township.

H. The Township may require that the Grantee, before entering upon any public place for the purpose of construction of any pole, line, equipment or facility, file plans and specifications for such proposed pole, line, equipment or facility and shall not undertake such construction until the Town Board shall have approved the plans and specifications.

I. The Grantee shall raise its wires or otherwise move them for the passage of any structure when so requested by the County Road Commission.

J. Within two years after the use of any franchise equipment or facility has been permanently discontinued as determined by Wolverine, the Grantee shall remove such property from any public place so as to conform in all respects with the current condition of such public place at the date of such restoration.

Section 3: The franchise granted herein is subject to confirmation at the next regular election or special election by a majority of the Garfield Township electors voting upon the question in the affirmative.

Section 4: The Grantee shall not assign the franchise or otherwise transfer it or permit others to use it except on prior written approval by Ordinance enacted by the Town Board.

Section 5: The Grantee shall indemnify and defend the Township and all of its agents and employees against any and all liability for damage to any person or property caused by the Grantee in the construction, operation or maintenance of its property or arising out of the exercise of any right or privilege of the franchise.

Section 6: In the event the Grantee shall fail to conform to the conditions and provisions hereof, the Town Board may direct that notice of violation be given to the Grantee, which notice may establish a reasonable time limit for conformity by the Grantee. Should the Grantee not comply with the terms of such notice, then the Town Board may revoke this franchise after holding a hearing with reasonable advance notice to Grantee and determining that the Grantee is not in substantial compliance with the terms and conditions hereof, which hearing shall be held pursuant to such rules as the Town Board may reasonably determine.

Section 7: This ordinance will take effect upon publication of the ordinance.




Charter Township of Garfield

Grand Traverse County

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I hereby certify that the foregoing constitutes a true and complete copy of **Ordinance 29**, Electrical Service Franchise Ordinance, duly adopted by the Township Board of the Charter Township of Garfield, County of Grand Traverse, Michigan, at a meeting held on September 19, 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