

FREEMAN TOWNSHIP ORDINANCE NO. 12

ELECTRIC SERVICE FRANCHISE AND ORDINANCE

*NO ACCEPTANCE AGREEMENT ON FILE*

TOWNSHIP OF FREEMAN, CLARE COUNTY, MICHIGAN

Granted to: O & A Electric Cooperative

November 13, 1986

The Township of Freeman Ordains:

Section 1.

Permission is hereby granted to O & A Electric Cooperative, a Michigan non-profit corporation, its successors and assigns, to construct, maintain and operate in the public streets, highways, alleys and other public places in the Township of Freeman, Clare County, Michigan, all needful and proper poles, towers, mains, wires, pipes, conduits and other apparatus requisite for the transmission and distribution of electricity and to transact a local business within said township subject, however, to all conditions and restrictions hereinafter contained.

Section 2.

The conditions of the foregoing grant are as follows:

- A. The grantee shall due no injury to any street, highway, alley or other public place, or in any manner disturb or interfere with any water or gas pipes, or with any public or private sewer, now or hereafter laid or constructed by any authorized person or corporation.
- B. The Board of County Road Commissioners or other authority, may in its discretion grant permission for control of trees when necessary to make lines safe and accessible.
- C. The said grantee before entering upon any street, highway, alley or other public place for the purpose of erecting and constructing any poles, wires, mains, pipes, conduits or other apparatus, shall in writing notify the Board of County Road Commissioners or the Superintendent of said Board, or other proper authority, of the proposed construction, and obtain approval thereof, and shall, if the said Board so requires, file with it a sufficient plan and specification showing the nature and extent of the proposed erection and construction.
- D. No street, highway, alley or public place shall be allowed to remain encumbered by construction work of the said grantee for a longer period than shall be necessary to execute the said work, and the Board of County Road Commissioners shall determine the questions of such necessity, and grantee shall at all times conform to all ordinances of the township now or hereafter in force relative to the fencing and lighting of obstructions and excavations.

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- E. The grantee shall save the Township harmless from any judgment that may be recovered against the Township by reason of the wrongdoing or negligence of said grantee in the erection and maintenance of said poles, mains, wires and other apparatus or construction.
- F. Said grantee shall make do provision upon forty-eight notice in writing for raising its wires, or otherwise, for the passage of any barn, building or other structure on or over any street, highway, or public place occupied by the mains, wires, poles and apparatus of said grantee.

Section 3.

This grant shall take effect, if said grantee shall within sixty days from the date of the passage of this ordinance, file with the Township Clerk its written acceptance of the terms of said grant and said franchise shall hereafter be favorably acted upon by a vote of the registered voters. If not so accepted in writing this ordinance shall be null and void.

Section 4.

This Franchise and Ordinance shall be enforced for for thirty (30) years from and after the date of its acceptance, as aforesaid.

Section 5.

Nothing in this grant shall be construed to alienate the title of the public in and to any street, highway, alley or public place or any portion thereof, neither shall anything herein be construed in any manner whatsoever; nor as in any manner limiting the right of the said Township to regulate the use of any street, alley, or public place, or any avenue or highway within its jurisdiction.

Dated this 13<sup>th</sup> day of November, 1986.

Keith Blain, Supervisor      Phyllis Burden, Clerk      Delberta Howard, Trustee  
Elmer Utter, Trustee      Dorothy Egnatuk, Treasurer

I do hereby certify the above and forging true and correct copy of an Ordinance and Franchise granted to O & A Electric Cooperative at a regularly meeting of the Township Board of the Township of Freeman, Clare County, Michigan, held on the 13<sup>th</sup> day of November, 1986 the same to be effective upon filling of a written acceptance by the grantee within 60 days.

Phyllis J. Burden  
Freeman Township Clerk