

CHIKAMING TOWNSHIP ORDINANCE NO. 92
ADOPTED AUGUST 13, 1998

ELECTRIC FRANCHISE

An Ordinance, granting to Indiana Michigan Power Company, its successors and assigns, the right, power and authority to construct, maintain and operate lines for the transmission and distribution of electric energy on, along, across and under the highways, streets, bridges, and other public places and to operate and maintain the same and to transact a local business in the Township of Chikaming, Berrien County, Michigan.

The Township Board of the Township of Chikaming, County of Berrien, State of Michigan:

ORDAINS:

Section I.

The Indiana Michigan Power Company, its successors and assigns (Hereinafter called "Grantee") are hereby granted the right, privilege, franchise and authority to acquire, construct, maintain and operate in, above, under, across and along the streets, thoroughfares, alleys, bridges and public places (as the same now exist and may hereafter be laid out) of the Township of Chikaming, County of Berrien, State of Michigan, lines for the transmission and distribution of electric energy, either by means of overhead or underground conductors, with all the necessary or desirable appurtenances for the purpose of supplying electric energy to said Township and the inhabitants thereof, and persons or corporations beyond the limits thereof, for light, heat, power, or any other purposes or purpose for which electric energy is now or may hereafter be used, and the transmission of the same within, through or across said Township of Chikaming, County of Berrien, State of Michigan, subject to such reasonable regulations as the Township Board shall prescribe from time to time.

Section II.

All of Grantee's towers, masts, and poles shall be so placed on either side of the highways, streets, alleys and bridges as not to unnecessarily interfere with the use thereof for highway, street, alley and bridge 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, streets, alleys, and bridges. All work performed by said Grantee in said highways, street, alleys, and bridges shall be done so as to minimize interference with the use thereof, and when completed, the same shall be left in as good condition as when work was commenced. The Grantee shall have the right to cut or trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities. The supervision of highway authorities shall be limited to the purpose of minimizing interference with the public use of highways, streets, alleys, and bridges.

Said lines and appurtenances shall be constructed so as to interfere as little as possible with the proper lawful use of the streets, alleys, and public places. The installation of all poles,

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conduits, and appurtenances shall be according to industry standards and shall be subject to such reasonable regulations as shall be prescribed by said Township Board from time to time.

Section III.

The rights, privileges and franchise hereby granted shall be in force and effect for a period of thirty (30) years from the date of the passage of this franchise ordinance, but revocable at the will of this Township Board unless approved by vote of the electors.

The rights, privileges and franchise hereby granted shall not be construed to be exclusive and the Township Board of the Township of Chikaming, County of Berrien, State of Michigan, hereby reserves the power to grant similar rights, privileges and franchises to any other person or persons, firm or firms, corporation or corporations.

Section IV.

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 and maintenance of the structures 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 such negligent construction and maintenance.

Section V.

Whenever said Grantee shall begin the erection of any lines or equipment, it shall promptly and diligently prosecute the work to completion and leave the streets, alleys, and public places where such work is done in as good condition of repair as before such work was commenced.

Section VI.

Whenever in this franchise, reference is made to the Township or the Grantee, it shall be deemed to include the respective successors or assigns, of either and all rights, privileges and obligations herein contained by or on behalf of said Township, or by or on behalf of said Grantee, shall be binding upon and inure to the benefit of the respective successors or assigns of said Township or of said Grantee, whether so expressed or not.