

ORDINANCE NUMBER ELEVEN

AN ORDINANCE GRANTING TO CONSUMERS POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER AND AUTHORITY TO CONSTRUCT, MAINTAIN AND USES ELECTRICITY LINES CONSISTING OF POLES, MASTS, TOWERS, CROSSARMS, GUYS, BRACES, FEEDERS, TRANSMISSION AND DISTRIBUTION WIRES, TRANSFORMERS AND OTHER ELECTRICAL APPLIANCES ON, ALONG AND ACROSS THE STREETS, ALLEYS AND OTHER PUBLIC PLACES IN THE CITY OF CARSON CITY, MONTCALM COUNTY, MICHIGAN, AND TO DO A LOCAL ELECTRIC BUSINESS THEREIN, FOR A PERIOD OF THIRTY YEARS.

SECTION I. That whenever the word "grantee" appears in this ordinance, it is hereby intended to designate, and shall be held to refer to the Consumers Power Company, its successors and assigns.

SECTION II. The right, power and authority is hereby granted to said Grantee, to construct, maintain and use electric lines consisting of poles, masts, towers, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, along and across the streets, alleys and other public places in the City of Carson City, Montcalm County, Michigan, and to do a local electric business therein, for a period of thirty years.

SECTION III. No street, alley or public place used by said Grantee, shall be obstructed longer than necessary during the work of construction and maintenance, and shall be restored to the same good order and condition as when such work was commenced.

SECTION IV. All poles, masts, towers and other supports shall be set, and all wires shall be suspended in a careful and proper manner as not to injure persons or property. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the Street Commissioner of the City. The Grantee shall at all times keep and save the City free and harmless from all loss, costs and damage to which it may be subject by reason of the construction and maintenance of the poles, masts, towers, wires and other structures and appliances, the erection and maintenance of which are hereby authorized.

SECTION V. Said Grantee shall be entitled to charge said City and its inhabitants for electric energy for light, heat and power, the rates not on file with the Michigan Public Service Commission and at present effective within said City. Said rates shall be subject to review at any time by the Michigan Public Service Commission or its successors, upon proper application by either said Grantee or the City, acting by the City Council, being made thereto, and the regularly filed rates as approved by said Commission or its successors as applicable to said City of Carson City, shall at all times be the lawful rates.

(Ordinance Number Eleven Cont'd)

All bills for electric energy shall be payable monthly. The Grantee may collect the minimum charge as specified in said schedule. It shall also furnish and maintain commercially accurate meters to measure the energy furnished. Said Grantee shall at all reasonable times have access to the premises of its customers for for the purpose of reading, inspecting, removing and replacing such meters.

SECTION VI. In consideration of the rights, power and authority hereby granted, all of which shall vest in the Grantee for a period of thirty (30) years as aforesaid, said grantee shall faithfully perform all things required by the terms hereof, and such performance by the Grantee shall be in lieu of all license fees, rentals or charges of every name and nature, except property taxes, which the City might otherwise levy and impose.

SECTION VII. The rights, power and authority herein granted, are not exclusive. They shall not affect, qualify or limit any rights accruing under any legislative grant heretofore vesting in the Grantee.

SECTION VIII. The enactment of this ordinance shall be submitted for ratification to the vote of the electors of said City, and the same shall be and become valid and binding upon the approval and ratification of this ordinance by the affirmative vote of at least three-fifths of the electors of said City voting thereon at a regular or special municipal election to be held in the manner provided by law. This ordinance shall not be submitted to the electors unless the Grantee shall, within thirty (30) days after the adoption hereof, file with the City Comptroller, its written acceptance, subject to the approval of the electors. Upon the X acceptance hereof, and approval by the electors. X Upon the acceptance hereof, and approval by the electors as aforesaid, this ordinance shall constitute a contract between said City and said Grantee for the full term of thirty (30) years from and after the date of approval by said electors.

We hereby certify that the foregoing ordinance was duly enacted by the City Council of the City of Carson City, Michigan on the 18th day of October, 1949.