

VILLAGE ORDINANCE

NO. 114

AN ORDINANCE GRANTING TO MICHIGAN POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN AND OPERATE IN THE STREETS, ALLEYS AND PUBLIC PLACES OF THE VILLAGE OF EDWARDSBURG AND ITS SUCCESSORS, LINES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY TO THE VILLAGE OF EDWARDSBURG, AND THE INHABITANTS THEREOF FOR LIGHT, HEAT, POWER AND OTHER PURPOSES AND FOR THE TRANSMISSION OF THE SAME WITHIN, THROUGH OR ACROSS SAID VILLAGE OF EDWARDSBURG, COUNTY OF CASS, STATE OF MICHIGAN.

BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF EDWARDSBURG, COUNTY OF CASS, STATE OF MICHIGAN, AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE SAME THAT:

Section 1. The 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 or may hereafter be laid out) of the Village of Edwardsburg, County of Cass, 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 Village and the inhabitants thereof, and persons or corporations beyond the limits thereof, for light, heat, power or 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 Village of Edwardsburg, County of Cass, State of Michigan, subject to such reasonable regulations as the Village Council of said Village of Edwardsburg shall prescribe from time to time.

Section 2. 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 location of all poles, conduits and appurtenances shall be made under the supervision of the Village Council of the said Village and shall be subject to such reasonable regulations as shall be prescribed by said Village Council from time to time.

Section 3. 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.

The rights, privileges and franchise hereby granted shall not be construed to be exclusive and the Village Council of the Village of Edwardsburg, County of Cass, 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 4. Said Grantee shall save the Village harmless from any and all liability arising in any way from negligence in the erection, maintenance or operation of said lines for the distribution of electric energy.

Section 5. 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 6. Whenever in this franchise, reference is made to the Village 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 Village, 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 Village or of said Grantee, whether so expressed or not.

Section 7. This franchise shall be accepted by the Grantee within sixty (60) days from the date of the adoption of this ordinance.

Section 8. This franchise will take effect from and after its adoption, acceptance, and publication as required by law.

Dated this 22 day of January, 1979.

(SEAL)

VILLAGE OF EDWARDSBURG, COUNTY OF CASS, STATE OF MICHIGAN

By: George W. Monaghan, Village President

Countersigned:

Jackie Darr, Clerk

CERTIFICATE OF PUBLISHING OF ORDINANCE NO. 114

I, the undersigned, the duly qualified and acting Village Clerk of the Village of Edwardsburg, Cass County, Michigan, do hereby certify that a true copy of the foregoing Ordinance, was inserted and published in the Edwardsburg Argus, a weekly newspaper of general circulation within said Village on the 1st day of February, 1979, which date of publication was within fifteen (15) days after passage of said Ordinance.

Jackie Darr, Clerk