

DEXTER TOWNSHIP ORDINANCE NUMBER 8

DETROIT EDISON COMPANY TOWNSHIP FRANCHISE

ADOPTED: APRIL 3, 1988

EFFECTIVE: APRIL 18, 1988

THE TOWNSHIP OF DEXTER ORDAINS:

SECTION I

1. Permission is hereby granted to THE DETROIT EDISON COMPANY, incorporated under the laws of the States of Michigan and New York, its successors and assigns, to construct, maintain and operate in the public streets, highways, alleys and other public places in the Township of Dexter, Washtenaw County, Michigan, all needful and proper poles, towers, mains, wires, pipes, conduits and other apparatus requisite for the transmission, transforming and distribution of electricity for public and private use, and to transact a local electric business within said Township, subject, however, to all conditions and restrictions hereinafter contained.

SECTION II

1. **THE CONDITIONS OF THE FORGOING GRANT ARE AS FOLLOWS:**
 - A. The Grantee shall do no injury to any street, highway, alley or other public place, or to any shade trees, 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 Township may, in its discretion, grant permission for the trimming of trees when necessary to make the lines safe and accessible, such trimming to be done under its supervision.
 - C. The construction of the said lines shall be in accordance with the rules and regulations of the Michigan Public Service commission or its successor.
 - D. The said grantee, before entering upon any street, highway, alley or other public place for the purpose of erecting and constructing any poles, mains, wires, pipes, conduits, or other apparatus, shall in writing notify the Township or its representatives of the proposed construction, and shall, if the Township so requires, file with them sufficient plan and specification, showing the nature and extent of the proposed erection and construction.
 - E. No street, highway, alley or public place shall be allowed to remain open or encumbered by the construction work of said grantee for a longer period than shall be necessary to execute the said work, and the 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.
 - F. The grantee shall save the Township harmless from any judgement that may be recovered against the Township by reason of the wrongdoing or negligence of the said grantee in the erection and maintenance of said poles, mains, wires and other apparatus or construction.

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- G. Said grantee shall make due provisions upon forty-eight hours notice in writing by 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 III

1. In consideration of the granting of this franchise, grantee agrees that its rates and charges for electric services in the Township of Dexter shall not exceed its rates and charges for like service elsewhere in its service area, evidenced by its uniform rate schedules at the time on file with and approved by the Michigan Public Service Commission. It is understood that the grantee is subject to regulation by the Michigan Public Service Commission and that any order, rule, or regulation by that Commission, or its successor, will prevail over any regulation herein contained or provided for in case of conflict.

SECTION IV

1. This grant shall take effect if said grantee shall, within fifteen days from the date of the passage of this ordinance, file with the Township Clerk its written acceptance of the terms of the same, and upon the conformation of this grant, by the affirmative vote of a majority of the electors of said Township, voting thereon at a special election to be held Wednesday, the 3rd day of April, 1988, as provided for by the Statutes and the State Constitution. If not confirmed by the electors voting at said election, this ordinance shall be null and void.

SECTION V

1. This Franchise and Ordinance shall be and remain in force for thirty (30) years from and after the date of its conformation by the electors of the Township of Dexter, Washtenaw County, Michigan.

SECTION VI

1. 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 as a surrender by the TOWNSHIP OF DEXTER of its legislative power with respect to the subject matter hereof, or with respect to any other matter whatsoever; nor as in any manner limiting the right of the said TOWNSHIP OF DEXTER to regulate the use of any street, avenue, highway or public place within its jurisdiction.

Township Clerk