

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
WHITEWATER TOWNSHIP
Ordinance No. 54
Consumers Energy Company Electric Franchise Ordinance

Notice is hereby given that the Whitewater Township Board of Trustees will hold a public hearing at a regular meeting on TUESDAY, OCTOBER 23, 2018, AT 7:00 P.M., at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan, to receive public comment regarding the proposed adoption of ORDINANCE NO. 54, CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE. ORDINANCE NO. 54 is:

AN ORDINANCE granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to construct, maintain and commercially use electric lines and related facilities including but not limited to towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the TOWNSHIP OF WHITEWATER, Grand Traverse County, Michigan, for a period of 10 years.

The complete text of the proposed ordinance is available for public inspection at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690, during regular office hours, or on the home page of the township website at www.whitewatertownship.org. A copy may also be obtained by contacting the Township Clerk, 231-267-5141 x24 or clerk@whitewatertownship.org.

Individuals may make public comment in person at the public hearing, or written and faxed to 231-267-9020, or emailed to clerk@whitewatertownship.org, or mailed to Cheryl Goss, Clerk, P.O. Box 159, Williamsburg, MI 49690. Comments will be received until 5:00 p.m. on October 23, 2018. Written comments may also be submitted at the public hearing.

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who are planning to attend. Contact the township clerk at (231) 267-5141 x24 or the TDD at 800-649-3777 at least 5 days in advance of the public hearing.

Cheryl A. Goss
Whitewater Township Clerk

Posted at the Township Hall (inside/outside) on October 6, 2018, at 3:30 p.m.
Posted on the Township Website (home page) on October 6, 2018, at 3:30 p.m.

A copy of this notice is on file in the office of the clerk.

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION

Salesperson: DENISE LINGERFELT Printed at 10/02/18 15:25 by dling

Acct #: 2055 Ad #: 504626 Status: New WHOLD

WHITEWATER TOWNSHIP CLERK Start: 10/07/2018 Stop: 10/07/2018
CHERYL GOSS Times Ord: 1 Times Run: ***
P.O. BOX 159 STDAD 3.00 X 4.76 Words: 315
WILLIAMSBURG MI 49690 Total STDAD 14.28
Class: 147 LEGALS
Rate: LEGAL Cost: 145.50
Affidavits: 1

Contact: Ad Descrpt: LEGAL NOTICE NOTICE OF P
Phone: (231)267-5141 Given by: EMAIL CHERYL GOSS
Fax#: P.O. #:
Email: clerk@whitewatertownship.org Created: dling 10/02/18 15:20
Agency: Last Changed: dling 10/02/18 15:25

PUB	ZONE	EDT	TP	START	INS	STOP	SMTWTFS
RE	A	97	W	SUN 10/07/18	1	SUN 10/07/18	SMTWTFS
IN	AIN	97	W	SUN 10/07/18	1	SUN 10/07/18	SMTWTFS

AUTHORIZATION

Thank you for advertising in the Record-Eagle, our related publications and online properties. If you are advertising with the Record-Eagle classifieds, your ad will begin running on the start date noted above.

Please be sure to check your ad on the first day it appears. Although we are happy to make corrections at any time, the Record-Eagle is only responsible for the first day's incorrect insertions. Also, we reserve the right to edit or reclassify your ad to better serve buyers and sellers.

No refunds or rebates will be issued if you cancel your ad prior to the stop date.

We appreciate your business.

(CONTINUED ON NEXT PAGE)

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

Printed at 10/02/18 15:25 by dling

Acct #: 2055

Ad #: 504626

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LEGAL NOTICE
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WHITEWATER TOWNSHIP
Ordinance No. 54
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AN ORDINANCE *granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to construct, maintain and commercially use electric lines and related facilities including but not limited to towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the TOWNSHIP OF WHITEWATER, Grand Traverse County, Michigan, for a period of 10 years.*

The complete text of the proposed ordinance is available for public inspection at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690, during regular office hours, or on the home page of the township website at www.whitewatertownship.org. A copy may also be obtained by contacting the Township Clerk, 231-267-5141 x24 or clerk@whitewatertownship.org.

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Cheryl A. Goss
Whitewater Township Clerk

October 7, 2018-1T

504626

TOWNSHIP OF WHITEWATER
GRAND TRAVERSE COUNTY
CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE
ORDINANCE NO. 54

At a meeting of the Township Board of Whitewater Township, Grand Traverse County, Michigan, held at the Whitewater Township Hall on October 23, 2018, at 7:00 p.m., Township Board Member _____ moved to introduce the following Ordinance, which motion was seconded by Township Board Member _____

AN ORDINANCE granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to construct, maintain and commercially use electric lines and related facilities including but not limited to towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the TOWNSHIP OF WHITEWATER, Grand Traverse County, Michigan, for a period of ten years.

THE TOWNSHIP OF WHITEWATER ORDAINS:

SECTION 1. TITLE. This Ordinance shall be known and cited as the Consumers Energy Company Electric Franchise Ordinance.

SECTION 2. GRANT AND TERM. The Township of Whitewater, Grand Traverse County, Michigan, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Grantee" the right and authority to towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the Township of Whitewater, Grand Traverse County, Michigan, for a period of ten years.

SECTION 3. CONSIDERATION. In consideration of the rights, power and authority hereby granted, Grantee shall faithfully perform all things required by the terms hereof.

SECTION 4. PLACEMENT, CONSTRUCTION AND MAINTENANCE OF SYSTEM. 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. The installation of all poles, 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, and 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, streets, alleys, and bridges shall be done so as to minimize interference with the use thereof, obstructed no longer than necessary during the work of construction or repair, and when completed, the same shall be left in the same order and 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, to the supervision of appropriate authorities.

Before entering any public place for the purpose of erecting, constructing, or installing facilities or other improvements (except for service lines to customers' premises), Grantee must first notify the Township Supervisor of the purpose of the proposed construction. Grantee must obtain the Township Supervisor's approval prior to beginning construction, which shall not be unreasonably withheld. No approval shall be required when emergency service is necessary to protect the health, safety, or well-being of the public, or to maintain existing facilities. At the Township Supervisor's request, Grantee may be required to provide plans and specifications showing the nature and extent of proposed construction, but plans and specifications are not required for Grantee to maintain existing facilities or for emergency service.

SECTION 5. INDEMNIFICATION AND DUTY TO DEFEND. Grantee shall indemnify and hold the Township, its officers, board members, employees and agents, harmless from all loss, costs and expense to which they may be subject by the negligent construction and maintenance of the structures and equipment of Grantee or activities related to Grantee's operation in the Township. In any action commenced against the Township, its officers, board members, employees and agents, based on the permission herein granted, Grantee shall defend the Township, its officers, board members, employees and agents, and indemnify and hold them harmless from all loss, cost and damage arising out of such negligent construction, operation or maintenance or any other negligent actions on the part of Grantee or its agents or contractors.

SECTION 6. EXTENSIONS. Grantee shall construct and extend its electric distribution system within said Township, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 7. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted by this Ordinance are not exclusive. The Township Board hereby reserves the power to grant similar rights, privileges, and franchises to any other person or persons, firm or firms, corporation or corporations.

SECTION 8. RATES AND CONDITIONS. Grantee shall be entitled to charge the inhabitants of the Township for electricity furnished at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission for the term of this Franchise. Such rates and conditions shall be subject to review and change upon petition by either the Township, or by Grantee.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in the Township.

SECTION 10. INTEGRATION. This Agreement supersedes all prior discussions and agreements between the Township and Grantee with respect to the franchise and all other matters

contained herein and constitutes the sole and entire agreement between the Township and Grantee.

SECTION 11. CONTRA PROFERENDUM. This Agreement results from negotiations between the Township and Grantee, and the rule of construction that an Agreement is to be construed against its drafters is not applicable.

SECTION 12. SEVERABILITY. If any provision of this Franchise is to any extent illegal, otherwise invalid, or incapable of being enforced, such provision shall be excluded to the extent of such invalidity or unenforceability; all other provisions hereof shall remain in full force and effect.

SECTION 13. ACCEPTANCE. This franchise shall be accepted by the Grantee within sixty (60) days from the date of the adoption of this Ordinance. Grantee shall accept the franchise set forth in this Ordinance in writing filed with the Township Clerk.

SECTION 14. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation or termination as provided herein or at the expiration of the term for which this Franchise is granted, the Township may order Grantee, in writing, to remove any and all portions of its electric distribution system located within the Township.

SECTION 15. REPEALER. This Ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of any and all previous electric franchises granted by the Township to Grantee, including Ordinance No. 43, a January 20, 2009 franchise agreement entitled: Consumers Energy Company Electric Franchise Ordinance; and amendments, if any, to such ordinance whereby an electricity franchise was granted to Consumers Energy Company.

SECTION 16. EFFECTIVE DATE. This Ordinance shall take effect upon the day after the date of publication thereof; provided that Grantee shall accept the terms of the franchise as provided herein according to Section 9. If Grantee does not timely accept, this Ordinance shall be ineffective. Upon acceptance and publication hereof, this Ordinance shall constitute a contract between the Township and Grantee.

Roll Call:

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

Ordinance Declared Adopted:

Ron Popp, Whitewater Township Supervisor

AFFIDAVIT OF POSTING AND PUBLICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted the Whitewater Township Board at a duly scheduled and noticed meeting of that Township Board held on October 23, 2018, pursuant to the required statutory procedures.
2. The complete text of the Ordinance was posted at the Township Clerk's office and on the Township's website on _____, 2018.
3. The attached Notice of Adoption of the Ordinance was duly published in the Traverse City Record-Eagle newspaper, a newspaper that circulates within Whitewater Township, on _____, 2018, within not more than seven (7) days after the adoption of the Ordinance.

ATTESTED:

Cheryl A. Goss, Whitewater Township Clerk

Whitewater Township
Grand Traverse County, Michigan
Ordinance No. _____

Notice of Adoption

On _____, 2018 the Whitewater Township Board adopted Ordinance No. _____, the Consumers Energy Company Electric Franchise Ordinance, which promotes the health, safety, and welfare of the people of Whitewater Township, Grand Traverse County, Michigan, by granting the Consumers Energy Company a ten (10) year electric energy franchise within the Township. The Ordinance contains the followings sections and catch lines: Section 1: Title; Section 2: Grant and Term; Section 3: Consideration; Section 4: Placement, Construction and Maintenance of System; Section 5: Indemnification and Duty to Defend; Section 6: Extensions; Section 7: Franchise Not Exclusive; Section 8: Rates and Conditions; Section 9: Michigan Public Service Commission Jurisdiction; Section 10: Integration; Section 11: Contra Proferendum; Section 12: Severability; Section 13: Acceptance; Section 14: Revocation; Section 15: Repealer; Section 16: Effective Date.

The Ordinance will become effective the day after this publication. A true copy of the Ordinance is available for inspection at the offices of Whitewater Township, 5777 Vinton Road, Williamsburg, MI 49690.

Cheryl Goss
Whitewater Township Clerk
(231) 267 – 5141

ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN

The Consumers Energy Company, hereby accepts the franchise granted to it by your Township Board, on Day_____, of the Month of _____ in the Year 2018, as set forth in Whitewater Township Ordinance No. _____, Consumers Energy Company Electric Franchise Ordinance.

Consumers Energy Company

By:
Its:

By:
Its:

Dated: _____

TOWNSHIP OF WHITEWATER
GRAND TRAVERSE COUNTY
CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE
ORDINANCE NO. _____

~~CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE~~

At a meeting of the Township Board of Whitewater Township, Grand Traverse County, Michigan, held at the Whitewater Township Hall on _____, 2018, at _____ p.m., Township Board Member _____ moved to introduce the following Ordinance which motion was seconded by Township Board Member _____

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AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to construct, maintain and commercially use electric lines and related facilities including but not limited to towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the TOWNSHIP OF WHITEWATER , Grand Traverse County, Michigan, for a period of ~~thirty ten~~ years.

THE TOWNSHIP OF WHITEWATER ORDAINS:

SECTION 1. TITLE. This Ordinance shall be known and cited as the Consumers Energy Company Electric Franchise Ordinance.

SECTION 2. GRANT AND TERM. The ~~Township~~TOWNSHIP of ~~OF~~ Whitewater, Grand Traverse County, Michigan ~~WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN,~~ hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "~~Consumers~~Grantee" the right and authority to towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges , and waterways, and to conduct a local electric business in the Township of Whitewater ~~TOWNSHIP OF WHITEWATER~~, Grand Traverse County, Michigan, for a period of ~~thirty ten~~ years.

SECTION 3. CONSIDERATION. In consideration of the rights, power and authority hereby granted, Grantee shall faithfully perform all things required by the terms hereof.

SECTION 4. PLACEMENT, CONSTRUCTION AND MAINTENANCE OF SYSTEM. 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. The installation of all poles, 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, and 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, streets, alleys, and bridges shall be done so as to

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minimize interference with the use thereof, obstructed no longer than necessary during the work of construction or repair, and when completed, the same shall be left in the same order and 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, to the supervision of appropriate authorities.

Before entering any public place for the purpose of erecting, constructing, or installing facilities or other improvements (except for service lines to customers' premises), Grantee must first notify the Township Supervisor of the purpose of the proposed construction. Grantee must obtain the Township Supervisor's approval prior to beginning construction, which shall not be unreasonably withheld. No approval shall be required when emergency service is necessary to protect the health, safety, or well-being of the public, or to maintain existing facilities. At the Township Supervisor's request, Grantee may be required to provide plans and specifications showing the nature and extent of proposed construction, but plans and specifications are not required for Grantee to maintain existing facilities or for emergency service.**CONDITIONS.**No public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' electric lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of public places. Consumers shall have the right to trim or remove trees if necessary in the conducting of such business.

~~**SECTION 3. HOLD HARMLESS.** Consumers shall 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 lines and related facilities hereby authorized. In case any action is commenced against the Township on account of the permission herein given, Consumers shall, upon notice, defend the Township and its representatives and hold them harmless from all loss, costs and damage arising out of such negligent construction and maintenance.~~**SECTION 5. INDEMNIFICATION AND DUTY TO DEFEND.** Grantee shall indemnify and hold the Township, its officers, board members, employees and agents, harmless from all loss, costs and expense to which they may be subject by the negligent construction and maintenance of the structures and equipment of Grantee or activities related to Grantee's operation in the Township. In any action commenced against the Township, its officers, board members, employees and agents, based on the permission herein granted, Grantee shall defend the Township, its officers, board members, employees and agents, and indemnify and hold them harmless from all loss, cost and damage arising out of such negligent construction, operation or maintenance or any other negligent actions on the part of Grantee or its agents or contractors.

SECTION 46. EXTENSIONS. ~~Consumers~~ Grantee shall construct and extend its electric distribution system within said Township, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 57. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted by this Ordinance, are not exclusive. The Township Board hereby reserves the power to grant similar rights, privileges, and franchises to any other person or persons, firm or firms, corporation or corporations.

SECTION 86. RATES AND CONDITIONS. ~~Consumers-Grantee~~ shall be entitled to ~~provide electric service to charge~~ the inhabitants of the Township ~~for electricity furnished~~ at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission ~~for the term of this Franchise~~. Such rates and conditions shall be subject to review and change upon petition ~~by either the Township, or by Grantee to the Michigan Public Service Commission.~~

~~SECTION 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.~~

SECTION 98. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. ~~Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in the Township. Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to electric service in the Township and those rules and regulations preempt any term of any ordinance of the Township to the contrary.~~

SECTION 10. INTEGRATION. ~~This Agreement supersedes all prior discussions and agreements between the Township and Grantee with respect to the franchise and all other matters contained herein and constitutes the sole and entire agreement between the Township and Grantee.~~

SECTION 11. CONTRA PROFERENDUM. ~~This Agreement results from negotiations between the Township and Grantee, and the rule of construction that an Agreement is to be construed against its drafters is not applicable.~~

SECTION 12. SEVERABILITY. ~~If any provision of this Franchise is to any extent illegal, otherwise invalid, or incapable of being enforced, such provision shall be excluded to the extent of such invalidity or unenforceability; all other provisions hereof shall remain in full force and effect.~~

SECTION 13. ACCEPTANCE. ~~This franchise shall be accepted by the Grantee within sixty (60) days from the date of the adoption of this Ordinance. Grantee shall accept the franchise set forth in this Ordinance in writing filed with the Township Clerk.~~

~~**SECTION 714. REVOCATION.** The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation or termination as provided herein or at the expiration of the term for which this Franchise is granted, the Township may order Grantee, in writing, to remove any and all portions of its electric distribution system located within the Township. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.~~

SECTION 915. REPEALER. ~~This ordinance, when enacted, shall repeal and supersede the provisions of any previous electric franchise ordinance adopted by the Township including any amendments.~~ This Ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of any and all previous electric franchises granted by the Township to Grantee, including Ordinance No. 43, a January 20, 2009 franchise agreement entitled: Consumers Energy Company Electric Franchise Ordinance; and amendments, if any, to such ordinance whereby an electricity franchise was granted to Consumers Energy Company.

SECTION 1016. EFFECTIVE DATE. ~~This ordinance shall take effect on _____~~
~~This Ordinance shall take effect upon the day after the date of publication thereof; provided that Grantee shall accept the terms of the franchise as provided herein according to Section 9. If Grantee does not timely accept, this Ordinance shall be ineffective. Upon acceptance and publication hereof, this Ordinance shall constitute a contract between the Township and Grantee.~~

Roll Call:

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

Ordinance Declared Adopted:

Ron Popp, Whitewater Township Supervisor

AFFIDAVIT OF POSTING AND PUBLICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted the Whitewater Township Board at a duly scheduled and noticed meeting of that Township Board held on _____, 2018, pursuant to the required statutory procedures.
2. The complete text of the Ordinance was posted at the Township Clerk's office and on the Township's website on _____, 2018.
3. The attached Notice of Adoption of the Ordinance was duly published in the _____ newspaper, a newspaper that circulates within Whitewater Township, on _____, 2018, within not more than seven (7) days after the adoption of the Ordinance.

ATTESTED:

Cheryl Goss, Whitewater Township Clerk

Whitewater Township
Grand Traverse County, Michigan
Ordinance No. _____

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Cheryl Goss
Whitewater Township Clerk
(231) 267 – 5141

ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN

The Consumers Energy Company, hereby accepts the franchise granted to it by your Township Board, on Day _____, of the Month of _____ in the Year 2018, as set forth in Whitewater Township Ordinance No. _____, Consumers Energy Company Electric Franchise Ordinance.

Consumers Energy Company

By:

Its:

By:

Its:

Dated: _____