

ORDINANCE NO. 136

An Ordinance granting a revocable franchise to Indiana Michigan Power Company, its successors and assigns, for the right to acquire, construct, maintain, and operate in the streets, thoroughfares, alleys, bridges, and public places of South Haven Charter Township, Van Buren County, State of Michigan, and its successors, lines and appurtenant equipment for the transmission and distribution of electric energy to South Haven Charter Township, and the inhabitants thereof, and for the transmission and distribution of the same within, through, or across said South Haven Charter Township, Van Buren County, State of Michigan.

South Haven Charter Township, Van Buren County, State of Michigan, ordains:

SECTION I

Indiana Michigan Power Company, its successors and assigns (hereinafter called "Grantee") is 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 South Haven Charter Township, Van Buren County, 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 appurtenant equipment (the "Facilities"), to render public utility service in said Township and to the inhabitants thereof by supplying electric energy to said Township and the inhabitants thereof, and persons or corporations beyond the limits thereof for all purposes for which electric energy is now or may hereafter be used, and the transmission and distribution of the same within, through, or across said South Haven Charter Township, State of Michigan, subject to such reasonable regulation of the placement and operation of the Facilities as the Township Board shall prescribe from time to time and as is permitted under applicable state law.

SECTION II

Said Facilities shall be constructed in a manner that shall not unreasonably interfere with the traveling public in its use of the streets, thoroughfares, alleys, bridges, and public places.

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 Ordinance, but revocable at the will of the 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 Board of South Haven Charter Township 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 save the Township harmless from any and all liability arising in any way from Grantee's negligence in the erection, maintenance, or operation of said Facilities, except to the extent arising out of the Township's negligence or willful misconduct. If any demand is made or any action is commenced against the Township resulting from Grantee's acts or omissions (or the actions of Grantee's officers, agents, employees, contractors, successors, or assigns), in connection with the Electric System or the Grantee's use of the Public Ways, Grantee shall, upon notice, defend and indemnify the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance. Except when arising out of or related to any negligent act or omission of the Township or its agents, employees, or contractors, the Township and its agents, employees, and contractors shall not be liable to the Grantee for any interference with or disruption in the operation of the Electric System, or the provision of service over or through the Electric System, or for any damages arising out of the Grantee's use of the Public Ways.

SECTION V

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

SECTION VI

The Township may require the Grantee to vacate or relocate any portion of the Electric System within the Public Ways at the Grantee's expense if such vacation or relocation is necessary to secure the public health and welfare or is otherwise required by the Township in the exercise of a governmental function. If Grantee's electrical system components located within the public highways physically interfere with Township improvements made in furtherance of the rights of the public to the public highways under the jurisdiction of the Township, the Grantee shall relocate components of the electrical system to a mutually agreeable alternative location within the public highways at no charge to the Township, provided however, that nothing in this provision shall be construed as a waiver by Grantee of any of its existing or future rights under state or federal law.

SECTION VII

Wherever in this Ordinance, 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, franchises, 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.

SECTION VIII

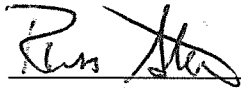
This Ordinance shall be accepted by the Grantee within sixty (60) days from the date of the passage of same.

SECTION IX

This franchise shall take effect after its adoption, acceptance and publication as required by law.

Dated this 10th day of October, 2018

South Haven Charter Township, County of Van Buren, State of Michigan



Ross Stein, Supervisor

I hereby attest that the foregoing Ordinance was adopted by South Haven Charter Township, County of Van Buren, State of Michigan, at a meeting held on 10/10, 2018.



Brenda Bertorelli, Clerk