

ORDINANCE NO. 51

CITY OF BAY CITY ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to CITY OF BAY CITY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in a specified area of the CHARTER TOWNSHIP OF HAMPTON, BAY COUNTY, MICHIGAN, for a period of thirty years.

THE CHARTER TOWNSHIP OF HAMPTON, BAY COUNTY, MICHIGAN ORDAINS:

SECTION 1. GRANT. TERM. The Charter Township of Hampton, Bay County, Michigan, hereby grants to the City of Bay City, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances, on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local electric business in an area of the Charter Township of Hampton, Bay County, Michigan, as specified in Attachment A, hereto, for a period of thirty years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS. No street, alley, bridge, highway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's structures and equipment shall be so placed on either side of the highways as not to unnecessarily interfere with the use thereof for highway purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities.

SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the Charter 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 structures and equipment hereby authorized. In case any action is commenced against the Charter Township on account of the permission herein granted, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted are not exclusive.

SECTION 6. EXTENSIONS. Said Grantee shall not extend its electric system beyond the area of said Charter Township specified in Attachment A, hereto, and shall furnish electricity to applicants residing within said specified area in accordance with applicable laws, and in accordance with those rules and regulations applicable to customers of said Grantee located within Grantee's corporate limits.

SECTION 7. RATES. The Grantee shall be entitled to charge the inhabitants of said Charter Township for electricity furnished therein, those rates applicable to customers of Grantee located within Grantee's corporate limits.

SECTION 8. REVOCAION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof, provided however, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Charter Township and said Grantee.

**DAY CITY LIGHT AND POWER
HAMPTON TOWNSHIP SERVICE AREA**

Beginning at the Southwest corner of the Southeast one-quarter of Section 27, Town 14 North, Range 5 East, Bay County, Michigan; thence NORTH along the North-South quarter line of said Section to a point 270.69 feet Southerly of the center one-quarter point of said Section and its intersection with the Southerly City Limits of the City of Bay City; thence EAST parallel with the East-West quarter line of said Section 406.50 feet; thence SOUTH parallel with said North-South quarter 683.25 feet; thence WEST parallel with said East-West quarter line 15.0 feet; thence SOUTH parallel with said North-South quarter line 979.55 feet to the northerly line of the Bay City Belt Line Railroad right-of-way; thence Southwesterly to the Northeast corner of Lot Three, Block Three, Speckhard's Subdivision; thence Southeasterly along the easterly line of said Lot Three 310.7 feet to the Southeast corner of said Lot Three; thence Southeasterly to the Northeast corner of Lot Three, Block Four, Speckhard's Subdivision; thence Northeasterly along the northerly line of Lot Two, Block Four, Speckhard's Subdivision 127.50 feet to the Northeast Corner of said Lot Two; thence Southeasterly along the easterly line of said Lot Two 250.0 feet; thence North 56D 30M East 102.5 feet to the westerly line of Mueller Street; thence South 33D 30M East along said westerly line of Mueller Street 65.65 feet; thence North 56D 30M East along the southerly line of Fredrick Street 25.0 feet; thence South 33D 30M East along the easterly line of Lot One, Block Four, Speckhard's Subdivision 139.95 feet; thence North 56D 30M East along the southerly line of Block Two, Speckhard's Subdivision 1073.79 feet to the Southwest corner of Lot One, Block Two, Speckhard's Subdivision; thence Northwesterly 329.90 feet to the Northwest corner of Lot One, Block One, Speckhard's Subdivision; thence Northeasterly along the northerly line of said Lot One 31.1 feet; thence North 29D 10M West parallel with Tuscola Road (aka M-15) 485.39 feet to the southerly line of said Bay City Beltline Railroad right-of-way; thence Westerly to a point on the northerly line of said Bay City Beltline Railroad right-of-way, said point being Southwesterly perpendicular to the centerline of said Tuscola Road and 333.0 feet from said centerline; thence North 29D 10M West parallel with said Tuscola Road 240.0 feet; thence North 6D 11M East 67.05 feet; thence Northeasterly perpendicular to said Tuscola Road 20.0 feet; thence North 29D 10M West parallel with said Tuscola Road 156.0 feet; thence Southwesterly perpendicular to said Tuscola Road 94.69 feet; thence Northerly along the easterly line of Cedar Drive, if extended, 225.5 feet to its intersection with the northerly line of Spengler Drive; thence South 57D 15M West along said northerly line of Spengler Drive 160.18 feet to the Southeasterly corner of Lot One, Spengler Subdivision; thence North 32D 45M West along the easterly line of said Lot One 364.98 feet to the Northeasterly Corner of said Lot One; thence South 57D 15M West 440.0 feet to the Northwesterly corner of Lot Four, Spengler Subdivision; thence North 500.0 feet to a point being 406.5 feet East of said North-South quarter line and 270.69 feet South of said East-West quarter line; thence EAST parallel with said East-West quarter line 768.9 feet to the westerly line of said Tuscola Road; thence continuing EAST parallel with said East-West quarter line to a point 200.0 feet easterly of Park Avenue; thence South 29D 10M East parallel with said Tuscola Road to the northerly line of said Bay City Beltline Railroad right-of-way; thence Easterly to a point on the southerly line of said Bay City Beltline Railroad right-of-way, said

point being Northeasterly perpendicular to said Tuscola Road and 433 feet from the centerline of Tuscola Road; thence South 29D 10M East parallel with said Tuscola Road to the South Section line of Section 26, Town 14 North, Range 5 East; thence WEST along the South Section line of said Sections 26 and 27 to the Point of Beginning, being a part of the West one-half of the Southwest one-quarter of Section 26 and a part of the Southeast one-quarter of Section 27, Town 14 North, Range 5 East, Bay County, Michigan.

Note: For convenience of description, Section lines and Section quarter lines were assumed to be true cardinal directions. Also, the following nomenclature for bearings was used: "D" for degrees, "M" for minutes and "S" for seconds.