

**BEAR CREEK TOWNSHIP EMMET
COUNTY, MICHIGAN**

ORDINANCE # 29-11

ADOPTED: March 2, 2011

EFFECTIVE: March 11, 2011

**REVOCABLE
ELECTRIC SERVICE FRANCHISE ORDINANCE**

AN ORDINANCE granting to Wolverine Power Supply Cooperative, Inc., (Wolverine) its successors and assigns, the right, power, and franchise for a period of thirty (30) years from and after the adoption and approval hereof, to acquire, construct, operate, and maintain in Bear Creek Township, Emmet County, the necessary facilities for the production, transmission, and sale of electric energy at wholesale to its member-distribution cooperatives and between Wolverine and other parties pursuant to wholesale power agreements, and to use and occupy the highways, streets, alleys, and other public places in which the Township has a public interest upon which the parties may agree to in the future, to set poles, string wires, lay pipes or conduits, and to transact an electric business.

BE IT ORDAINED:

Wolverine Power Supply Cooperative, Inc., its successors and assigns, is hereby granted and vested with the non-exclusive right, power, and franchise for a period of thirty (30) years from and after the adoption and approval hereof, as provided by law, to acquire, construct, maintain, or operate in the Township of Bear Creek the necessary facilities for the production, transmission, and sale of electric energy at wholesale rates to its member-distribution cooperatives and between Wolverine and other parties pursuant to wholesale power agreements, and to construct and maintain along, upon, across, or under the highways, streets, alleys, and other public places in which the Township has a public interest upon which the parties may agree to in the future, to set poles, wires, pipes or conduit and other necessary fixtures and equipment for such purposes within Bear Creek Township.

- 1) Revocation. The Franchise granted herein is revocable by the Township Board as provided by law.
- 2) No Injury to Street or Rights of Way. The Franchisee shall not injure any street, highway and alley, or in any manner disturb or interfere with any water, sewer or other utility line, now or hereafter laid or constructed by any authorized person within the public streets or rights of way.
- 3) Notification before Commencing Work. The Franchisee, before entering upon any street, highway and alley for the purpose of constructing or installing electric transmission lines or other apparatus, within the public right of way, shall, in writing, notify the Emmet County Road Commission and the Bear Creek Township Building Department, of the proposed construction, and obtain approval thereof, and shall file with them sufficient plans and specifications of the proposed erection and construction. Upon completion of any construction project, the Franchisee shall, to the extent reasonably practical, restore the site to its condition prior to commencement of construction. Furthermore, Franchisee shall notify the Township

Board of Trustees, or its designee, of any new or different transmission lines or other structures that are to be built in the Bear Creek Township.

- 4) Construction. The Franchisee shall not allow any street, highway or alley to remain encumbered by the construction work of the said franchisee for a longer period than shall be necessary to execute the said work, and the Board of County Road Commissioners of Emmet County shall determine the question of such necessity.
- 5) Insurance and Indemnification. The Franchisee shall furnish the Township proof of insurance and indemnify and hold the Township harmless from any and all costs, including reasonable attorney fees incurred by the Township by reason of the Franchisee's acts and omissions in the installation and maintenance of the electric transmission system and other related apparatus or equipment used in the operating of its electric utility business within the Township.
- 6) Compliance with Laws. The Franchisee shall comply with all applicable safety standards and requirements of the National Electric Safety Code, MI-OSHA and any other appropriate entity, and shall also comply with all applicable federal, state and local laws and regulations, including those established by the Federal Energy Regulatory Commission, the Michigan Departments of Natural Resources and Environment and Transportation, the Emmet County Road Commission and the Bear Creek Township Building Department.
- 7) Compliance with Zoning. At all times, Franchisee shall comply with the requirements of the Bear Creek Township or Emmet County Zoning Ordinance, if applicable, with respect to any of its installations, operations, and non-power line structures, including, but not limited to meter houses, storage sheds, and other similar roofed buildings within electric distribution and transmission substations.
- 8) Tree Trimming. With regard to its electric transmission lines within public rights-of-way within the Township, Franchisee shall comply with all federal and state requirements to maintain adequate conductor clearance and to provide for the safe and reliable transmission of electricity. To the extent necessary to meet these requirements, Franchisee may trim trees upon and overhanging the public rights-of-way. Except in cases of emergency, Franchisee shall provide the Township with at least 15 days' notice before conducting any tree trimming within the public rights-of-way pursuant to this paragraph. This paragraph does not grant or imply any further permission for tree trimming that Franchisee may need to obtain from any governmental body or department that has jurisdiction over any road within the public right-of-way. Furthermore, this paragraph does not grant or imply any permission for tree trimming that Franchisee may need from any private owner of land outside of the public rights-of-way.
- 9) Assignment. The Franchise granted by this Ordinance may be assigned by the Franchisee upon written consent of the Township, which shall not be unreasonably withheld. It shall be reasonable for the Township to withhold consent if the proposed assignee does not have an equal or superior financial condition as that of the Franchisee.
- 10) Reimbursement of Expenses. Franchisee shall reimburse Bear Creek Township for its reasonable expenses, including attorney fees, related to its review and approval of this Ordinance.
- 11) Effective Date. This Ordinance will take effect upon publication of the Ordinance pursuant to applicable law.

CLERK'S CERTIFICATE

THE UNDERSIGNED, Judy A. Mays, Clerk of Bear Creek Township, certifies that the above Ordinance No. _____ entitled "Electric Service Franchise Ordinance" was adopted by the Bear Creek Township Board at a regular meeting held Wednesday, March 2, 2011 and that the vote was as follows:

FOR: 5
AGAINST: 0
ABSTAIN: 0

Judy A. Mays, Township Clerk