

East Bay Charter Township

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Sue Courtade

From: Jim Cooper [jcooper@tclp.org]
Sent: Thursday, October 02, 2008 2:58 PM
To: ebtclerk@chartermi.net
Cc: Jim Cooper
Subject: agenda request
Attachments: EBT Franchise 91-F to TCLP (A).pdf; Franchise Request.pdf; Possible Franchise Wording(B).pdf

Hi Sue,

This should be what you need. There is a franchise request letter from TCL&P, the existing franchise (Attachment A), and the possible amendment wording with the additional sections listed.

Please let me know if you require anything else. I am also sending a hard copy.

Regards,
Jim Cooper
Key Accounts and Marketing Manager
Traverse City Light and Power
231-932-4560

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TRAVERSE CITY
LIGHT & POWER

Investing Our Energy In You

October 2, 2008

Sue Courtade, Township Clerk
East Bay Township Hall
1965 North Three Mile Rd.
Traverse City, MI 49686

VIA EMAIL

Dear Sue:

Traverse City Light and Power (TCL&P) has had numerous requests for electric service to new developments in East Bay Township. TCL&P's existing township franchise (Attachment A) does not cover the new developments.

TCL&P would like to add additional sections in order to serve both current and future customer requests for electric service (Attachment B). Please place this request on the township board agenda for October 13, 2008.

Attachment B also includes possible wording for the franchise amendment.

Please contact me if you have any questions on this matter. I will also be in attendance at the next board meeting.

Sincerely,

Jim Cooper
Key Accounts and Marketing Manager
932-4560

Attachments: A,B

ORDINANCE NO. 91-F

EAST BAY TOWNSHIP
ORDINANCE GRANTING FRANCHISE TO
TRAVERSE CITY LIGHT AND POWER TO
TRANSACT LOCAL BUSINESS FOR A PERIOD OF 30 YEARS

An Ordinance to grant a non-exclusive franchise to Traverse City Light and Power Board, to transact local business within the Township of East Bay.

THE TOWNSHIP OF EAST BAY ORDAINS:

There is hereby adopted an Ordinance granting to the Traverse City Light and Power Board, its successors and assigns, a Michigan municipal electric utility, a non-exclusive franchise to transact local business within the Township of East Bay, pursuant to the following terms of the franchise:

1. Grant of Franchise. The Township of East Bay, State of Michigan, hereinafter referred to as Township, hereby grants to Traverse City Light and Power Board, hereinafter referred to as Grantee, a franchise to construct, repair, maintain, and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers, underground wires and equipment, and other electrical appliances, for the purposes of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, and other public places, and to transact local utility business in that area of the Township of East Bay, Grand Traverse County, Michigan, described in paragraph 2 hereof. In consideration of the rights, power and authority hereby granted,

Grantee shall faithfully perform all things required by the terms hereof.

2. Franchise Area. All of Section 16, 17, and 18 in the southern part and that portion of the following sections that are in East Bay Township: Sections 7, 8, 9, and 17, and the Northeast quarter of Section 18 in the northern part.

3. Construction and Maintenance Standards. All of Grantee's towers, masts, and poles shall be neat and sightly, and so placed on either side of the highways, streets, alleys, and bridges as not to unnecessarily interfere with the use thereof for highway, street, and alley 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, streets, and alleys. All work performed by said Grantee in said highways, streets, alleys, bridges, and other public places shall be done so as not to interfere with the use thereof, and when completed, the same shall be left in as good condition as when work was commenced. The Grantee shall have the right to excavate and to trim trees if necessary in the conduct of such business, subject, however, to the supervision of the highway authorities.

4. Hold Harmless. The Grantee shall at all times keep and 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 structures hereby authorized. In case any action is commenced against the 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 of any nature, including reasonable attorney fees, arising out of such negligent construction and maintenance.

5. Non-Exclusive Rights. The rights, power, and authority herein granted are not exclusive.

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

7. Additional Conditions. In addition to other conditions contained herein, the foregoing grant shall be subject to the following conditions:

A. Before commencing the construction of any electric transmission line or changing the route thereof, the Grantee shall notify the County Road Commission of the proposed construction and obtain approval from the County Road Commission and, if the County Road Commission should so require, file with it plans and specifications of the proposed construction.

B. The Grantee shall at all times conform to all ordinances of the Township now in force and as amended or enacted hereinafter.

C. The Grantee shall keep on file at its principal office full and complete plans showing the exact location of all franchise equipment and facilities installed on any public property within the Township. The Grantee shall file with the Township Clerk on or before the first Monday in February of each year a current map or set of maps drawn to scale, showing the location of all franchise equipment and facilities installed in public places of the Township during the previous year, except

that during the first year of the franchise such failing shall include all such equipment previously installed or operated, either prior to or after the effective date of the franchise.

D. The Township may require that the Grantee, before entering upon any public place for the purpose of construction of any pole, line, equipment or facility, file plans and specifications for such proposed pole, line, equipment or facility and shall not undertake such construction until the Town Board shall have approved the plans and specifications, which will not unreasonably be withheld.

E. The Grantee shall raise its wires or otherwise move them for the passage of any structure when so requested by the County Road Commission. Such work by Grantee shall be without charge if it is determined by the County Road Commission to be necessary for a public purpose.

F. Within twelve (12) months after the use of any franchise equipment or facility has been permanently discontinued or after the franchise expires or is otherwise terminated, the Grantee shall remove such property from any public place in the Township and restore such public place so as to conform in all respects with the current condition of such public place at the date of such restoration; provided such property shall not be removed if the Township Supervisor shall determine that such removal shall cause unreasonable damage to such place and the Township Supervisor thereupon requests that any such property shall remain in place then such property shall not be removed and title thereto shall become vested in the Township.

8. Non-Assignment. The Grantee shall not assign the franchise or otherwise transfer it or permit others to use it except on prior written approval by Ordinance enacted by the Town Board.

9. Effective Date. This ordinance shall take effect upon the day after the date of publication thereof, provided it shall cease and be of no effect after thirty (30) days from its adoption, unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon the acceptance and publication hereof, this ordinance shall constitute a contract between said Township and Grantee, subject to each party's right of revocation contained in paragraph 6 above, for a period of thirty (30) years from the date of such acceptance.

JOHN S. PORTER, Supervisor
FRANCES A. FEHRENBACH, Clerk
Adopted:
Prepared in the Law Offices of:
Running, Wise, Wilson,
Ford & Phillips
By: Richard W. Ford
Township Attorneys
Business Address:
326 State Street
P.O. Box 686
Traverse City, MI 49685-0686

Ordinance No. _____

EAST BAY TOWNSHIP
Ordinance Amendment - Franchise to
Traverse City Light & Power

TITLE: An Ordinance to extend the franchise area of Traverse City Light and Power Department

THE TOWNSHIP OF EAST BAY ORDAINS:

That Ordinance No. 91-F, adopted February 28, 1991, entitled

“An Ordinance to Grant a Non-Exclusive Franchise to Traverse City Light and Power Board, to transact local business within the Township of East Bay.”

Ordinance No. 91-F is hereby amended at Section 2 to read in its entirety as follows:

2. Franchise Area. All of Section 16, 17, and 18 in the southern part and that portion of the following sections that are in East Bay Township: Sections 7, 8, 9, and 17 in the northern part.

And also including all of Sections 16, 18, 19, 20, 21, 28, 29, and 30 in the northern and central parts of the Township.

All other provisions of Ordinance No. 91-F are to remain the same.

This amendatory Ordinance shall take effect upon the day after the date of publication.

This Ordinance Amendment is hereby declared to have been adopted by the Township Board of East Bay at a meeting thereof duly called and held on the ____ day of _____, 2008, and ordered to be given publication in a manner prescribed by law.

A copy of this Ordinance Amendment may be purchased or inspected at the East Bay Township Offices located at 1965 N. Three Mile Road, Traverse City, Michigan.

This Ordinance has been recorded with the Grand Traverse County Clerk on _____, 2008.

Linda Coburn, Clerk