

ORDINANCE NO. 24

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to construct, maintain and use electric lines consisting of poles, masts, towers, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, along and across the highways, streets, alleys, bridges and other public places in the VILLAGE OF MORLEY, MECOSTA COUNTY, MICHIGAN, and to do a local electric business therein, for a period of thirty years.

THE VILLAGE OF MORLEY ORDAINS:

SECTION 1. That wherever the word "Grantee" appears in this ordinance, it is hereby intended to designate, and shall be held to refer to the Consumers Power Company, its successors and assigns.

SECTION 2. The right, power and authority is hereby granted to said Grantee to construct, maintain and use electric lines consisting of poles, masts, towers, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, along and across the highways, streets, alleys, bridges and other public places in the Village of Morley Mecosta County, Michigan, and to do a local electric business therein, for a period of thirty years.

SECTION 3. No highway, street, alley, bridge or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction and maintenance, and shall be restored to the same good order and condition as when such work was commenced.

SECTION 4. All poles, masts, towers and other supports shall be set and all wires shall be suspended in a careful and proper manner so as not to injure persons or property. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the chairman of the Street Committee of the Village. The Grantee shall at all times keep and save the Village free and harmless from all loss, costs and damage to which it may be subject by reason of the negligent construction and maintenance of the poles, masts, towers, wires and other structures and appliances, the erection and maintenance of which are hereby authorized.

SECTION 5. Said Grantee shall be entitled to charge said Village and its inhabitants for electric energy for light, heat and power, the rates now on file with the Michigan Public Service Commission and at present effective within said Village. Said rates shall be subject to review at any time by the Michigan Public Service Commission or its successors, upon proper application by either said Grantee or the Village, acting by the Village Council, being made thereto, and the regularly filed rates as approved by said Commission or its successors, as applicable to said Village of Morley, shall at all times be the lawful rates.

Ordinance #34 con't

All bills for electric energy shall be payable monthly. The Grantee may collect the minimum charge as specified in said schedule. It shall also furnish and maintain commercially accurate meters to measure the energy furnished. Said Grantee shall at all reasonable times have access to the premises of its customers, for the purpose of reading, inspecting, removing and replacing such meters.

SECTION 6. In consideration of the rights, power and authority hereby granted, all of which shall vest in the Grantee for a period of thirty (30) years as aforesaid, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 7. The rights, power and authority herein granted, are not exclusive.

SECTION 8. The franchise granted by this ordinance is not subject to revocation, and shall be and become valid and binding only upon its ratification by the affirmative vote of at least three-fifths of the electors of said Village voting thereon at a regular or special municipal election to be held in the manner provided by law. This ordinance shall not be submitted to the electors unless the Grantee shall, within thirty days after the adoption hereof, file with the Village Clerk its written acceptance, subject to the ratification by the electors of the Village. Upon the acceptance hereof and the ratification by the electors as aforesaid, this ordinance shall constitute a contract between the Village and the Grantee for the full term of thirty (30) years from and after the date of such ratification by the electors.

We hereby certify that the foregoing ordinance was duly enacted by the Village Council of the Village of Morley, Michigan, on the seventh day of January, 1959.

a/ Kenneth W. Turner
Village President

Attest:

/ Margaret B. Buckley
Village Clerk

I hereby certify that a copy of the foregoing ordinance was published in the Morley Advance, a newspaper published in said Village, on the 15th day of January, 1959.

a/ Margaret B. Buckley
Village Clerk

True copy of original typewritten ordinance.