

**LANSING BOARD OF WATER AND LIGHT
ELECTRIC FRANCHISE AGREEMENT**

ORDINANCE NO. 82.1

**LANSING BOARD OF WATER AND LIGHT ELECTRIC FRANCHISE
ORDINANCE**

An ORDINANCE granting the City of Lansing by its LANSING BOARD OF WATER AND LIGHT (Grantee), 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, switchgear, substations, and other electrical appliances on, over, under, along and across the highway, streets, alleys, bridges and other public places, and to do a local electric business in the CHARTER TOWNSHIP OF DELHI, INGHAM COUNTY, MICHIGAN, for a period of thirty years.

THE CHARTER TOWNSHIP OF DELHI, INGHAM COUNTY, MICHIGAN ORDAINS:

SECTION 1. GRANT. TERM. The CHARTER TOWNSHIP OF DELHI, INGHAM COUNTY, MICHIGAN, hereinafter the Charter Township, hereby affirms the right, power and authority to the Lansing Board of Water and Light, a municipally owned utility, its successors and assigns, hereinafter the Grantee, to, in the defined service area, 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, hereinafter referred to collectively as electric lines, for the purpose of, in the defined service area, transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business and have an exclusive franchise to provide electricity and electric service in the defined service area, in the CHARTER TOWNSHIP OF DELHI, INGHAM COUNTY, MICHIGAN, for a period of thirty (30) years from the date of acceptance by the Grantee, but revocable at the will of either party upon sixty (60) days written notice by the party desiring such revocation, unless approved by vote of the electors.

The rights, privileges, and franchise hereby granted shall not be construed as exclusive, and the Charter Township Board hereby reserves the power to grant similar rights, privileges, and franchises to any other person or persons, firm or firms, corporation or corporations.

Upon revocation or termination as provided herein or at the expiration of the term for which this Franchise is granted, the Township may order Grantee, in writing, to remove any and all portions of its electric distribution system located within the Charter Township. However, the Charter Township or successor utility shall pay Grantee the undepreciated value, plus the cost of removal, less the salvage value, of all facilities installed thirty (30) years or less, including any stranded costs for serving within the Charter Township.

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

SECTION 3. CONDITIONS. All of Grantee's towers, masts, and poles shall be so placed on either side of the highways, streets, alleys and bridges as not to unnecessarily interfere with the use thereof for highway, street, alley and bridge 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, alleys, and bridges. All work performed by Grantee in said highways, streets, alleys, and bridges shall be done so as to minimize interference 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 cut or trim trees if necessary in the conducting of such business.

SECTION 4. HOLD HARMLESS. To the extent permitted by law, the 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 and caused by the negligent construction and maintenance of the structures of Grantee hereby authorized or activities directly related to the operation of such structures by the Grantee. Nothing herein shall be construed as a waiver of governmental immunity for 3rd party claims, which is available to each party as a matter of law.

SECTION 5. EXTENSIONS. Grantee shall construct and extend its electric distribution system within the Charter Township in accordance with applicable laws and Grantee's rules and regulations.

SECTION 6. SERVICE AREA. To the extent permitted by law, Grantee shall furnish electric service to all customers requesting such service within Grantee's service area.

SECTION 7. REPEAL. This franchise shall revoke any and all previous franchises granted by the Charter Township to Grantee, including the 1988 Electric Franchise agreement between the Grantor and the Grantee. For the time between expiration of the 1988 Electric Franchise agreement and the effective date of this Agreement the terms of the 1988 Agreement are deemed controlling.

SECTION 8. RATES. The rates and Rules and Regulations governing the supply and use of electricity shall be the same as in the City of Lansing except that the rates shall be increased within the boundaries of the Charter Township by the amount of any taxes, license fees, franchise fees, or any other charges against the Grantee's property or its operations, or the production or sale of electrical energy, levied or imposed by the Charter Township or this ordinance.

SECTION 9. GRANTEE RULES. The Grantee shall have authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the Grantee to exercise its rights and perform its obligations under this franchise, and to assure uninterrupted service to each and all of its customers. Provided, however, that such rules, regulations, terms and conditions shall not be in conflict with the provisions hereof or of laws of the State of Michigan.

SECTION 10. 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 Charter Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between the Charter Township and Grantee.

Section 11. PUBLICATION AND ADMINISTRATIVE COSTS. The Charter Township of Delhi shall assume the cost of publication of this franchise.

SECTION 12. SEVERABILITY. If any provision of this franchise is to any extent illegal, otherwise invalid, or incapable of being enforced, such provision shall be excluded to the extent of such invalidity or unenforceability; all other provisions hereof shall remain in full force and effect.

We certify that the foregoing agreement was duly enacted by the Charter Township of Delhi the Board of Trustees, Ingham County, Michigan on the 18th day of January, 2022.

John Hayhoe, Supervisor

I, Evan Hope, Clerk of the Charter Township of Delhi, Ingham County, Michigan, hereby certify that the above resolution is a true copy of the action taken by the Charter Township Board of the Charter Township of Delhi, on the date set forth and published as set forth above.

Evan Hope, Clerk

ACCEPTANCE

TO THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF DELHI, INGHAM COUNTY, MICHIGAN:

The LANSING BOARD OF WATER AND LIGHT hereby accepts the franchise granted to it by your Charter Township Board on the ____ day of _____, 2022, which said franchise is entitled as follows:

AN ORDINANCE, granting to LANSING BOARD OF WATER AND LIGHT, its successors and assigns, the right, power and authority to in the defined service area 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, waterways, and other public places, and to do a local electric business in the defined service area in the CHARTER TOWNSHIP OF DELHI, INGHAM COUNTY, MICHIGAN, for a period of thirty years.

LANSING BOARD OF WATER AND LIGHT

By:_____

Dated: _____, 2022