

ORDINANCE NO. 221-01

CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, 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, waterways, and other public places, and to do a local electric business in the VILLAGE OF BANCROFT, SHIAWASSEE COUNTY, MICHIGAN, for a period of thirty years.

THE VILLAGE OF BANCROFT ORDAINS:

SECTION 1. GRANT, TERM. The VILLAGE OF BANCROFT, SHIAWASSEE COUNTY, MICHIGAN, hereby grants the right, power and authority to the Consumers Energy Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," 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 for the purpose of 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 in the VILLAGE OF BANCROFT, SHIAWASSEE COUNTY, MICHIGAN, 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 highway, street, alley, bridge, waterway 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 Village 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 Village on account of the permission herein given, said Grantee shall, upon notice, defend the Village and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. EXTENSIONS. Said Grantee shall construct and extend its electric distribution system within said Village, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 7. RATES. Said Grantee shall be entitled to charge the inhabitants of said Village for electric furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in said Village, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Village, acting by its Village Council, or by said Grantee.

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

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Village.

SECTION 10. REPEALER. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of a electric ordinance adopted by the Village Council on December 8, 1971 entitled:

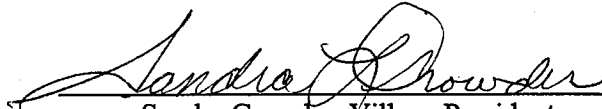
AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to construct, maintain and use electric lines consisting of poles, masts, towers, cross arms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances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


and amendments, if any, to such ordinance whereby a electric franchise was granted to Consumers Energy Company.

SECTION 11. 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 Village Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Village and said Grantee.

We certify that the foregoing Franchise Ordinance was duly enacted by the Village Council of the VILLAGE OF BANCROFT, SHIAWASSEE COUNTY, MICHIGAN, on the 12th day of December, 2001.

Attest:


Sandra Crowder, Village President


Kasey Fiebernitz, Village Clerk

ACCEPTANCE

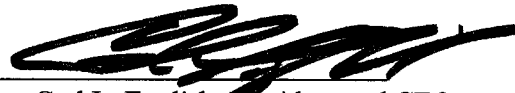
TO THE VILLAGE COUNCIL OF THE VILLAGE OF BANCROFT, SHIAWASSEE COUNTY,
MICHIGAN:

The Consumers Energy Company, hereby accepts the franchise granted to it by your Village Council,
on the 12th day of December, 2001, which said franchise is entitled as follows:

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, 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, waterways, and other public places, and to do a local electric business in the VILLAGE OF BANCROFT, SHIAWASSEE COUNTY, MICHIGAN, for a period of thirty years.

CONSUMERS ENERGY COMPANY

By



Carl L. English, President and CEO
Natural Gas Strategic Business Unit

Dated: December 12, 2001.

CLERK CERTIFICATION

STATE OF MICHIGAN)
 : ss.
COUNTY OF SHIAWASSEE)

I, Kasey Fiebernitz, Village Clerk of the VILLAGE OF BANCROFT, SHIAWASSEE COUNTY, MICHIGAN, DO HEREBY CERTIFY that the annexed is a true and correct copy of the ordinance granting Consumers Energy Company, a electric franchise, as adopted by the Village Council at a regular meeting on the 10th day of December, 2001.

I FURTHER CERTIFY that the acceptance, a copy of which is attached hereto, was filed with me as Village Clerk, on the 10th day of December, 2001; that I have compared the attached copies with the original records in my office, and that the same are true and correct transcripts therefrom.

I FURTHER CERTIFY that a copy of the foregoing ordinance was published, as appears by proof thereof on file in my office, in the Argus Press, a newspaper circulated in the VILLAGE OF BANCROFT, SHIAWASSEE COUNTY, MICHIGAN, on the 17th day of December, 2001; and that all of said proceedings were regular and in accordance with all legal requirements.

Kasey J. Fiebernitz
Kasey Fiebernitz, Village Clerk

Dated: December 30, 2001.

The Argus-Press Company

Post Office Box 399 • 201 E. Exchange Street
Owosso, Michigan 48867
Phone (517) 725-5136 • Fax (517) 725-6376

Richard E. Campbell, Chairman
Thomas E. Campbell, President & Publisher

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TY, MICHIGAN, hereby grants the rights, power
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AFFIDAVIT OF PUBLICATION

In the matter of the Consumers Energy Company Elec-
tric Franchise Ordinance No. 221-01 - Village of Ban-
croft

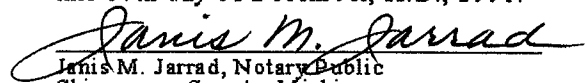
STATE OF MICHIGAN)
County of Shiawassee) ss Thomas E. Campbell

Being first duly sworn, says that he is the Publisher of
THE ARGUS-PRESS, a newspaper published in the
English language for the dissemination of local or trans-
mitted news and intelligence of a general character and
legal news, which is a duly qualified newspaper and that
annexed hereto is a copy of a certain order taken from
said newspaper, in which the order was published once,
and that the only insertion of said Notice was on the 17th
day of December, A.D., 2001.

SIGNED:



Subscribed and sworn to before me
this 17th day of December, A.D., 2001.


Janis M. Jarrad, Notary Public
Shiawassee County, Michigan

My Commission expires: January 18, 2003

Christmas
OWOSSO

ORDINANCE # 222-02

AN ORDINANCE OF THE VILLAGE OF BANCROFT, MICHIGAN KNOWN
AS:

NEW HOME CONSTRUCTION ORDINANCE.

The Village of Bancroft ordains:

Section 1.

- A. No person shall construct a building, structure, or install a mobile home or pre-fabricated, pre-manufactured or pre-cut structure within the Village of Bancroft without first submitting to the Village Zoning Administrator a site plan.
- B. The site plan shall contain the following:
 - 1. Property dimensions;
 - 2. Existing and proposed public right of way and or private easements;
 - 3. Water courses and water bodies including surface drainage ways;
 - 4. Location of drive, street;
 - 5. Location of proposed building, floor elevation, building height;
 - 6. Location of water supply and the location of waste water systems;
 - 7. Distance of proposed structures from rear, side and front lot lines.

Section 2.

Upon approval of site plan and zoning application by Village of Bancroft/Shiawassee County, the following requirements are to be met by the owner or his or her designated agent.

- A. Appropriate measures such as installation of a silt fence, shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or Village storm drainage systems.
- B. Proper sidewalks as determined by the Zoning Administrator shall be installed by the owner or his or her designated agent before an occupancy permit is issued by Shiawassee County.
- C. Driveways: (1) Culverts shall be installed under all driveways and shall be galvanized steel 12" minimum diameter. No plastic or concrete culverts shall be allowed; (2) Adequate stone shall be placed in driveway prior to construction of building to prevent mud, etc. covering streets/drains; (3) All driveways shall meet all Village of Bancroft/Shiawassee County standards.
- D. Concrete/asphalt drives shall not cover Village of Bancroft right-of-way unless written permission has been given by the Village Zoning Administrator.

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Section 3. Effective Date:

This Ordinance shall take effect twenty (20) days after its passage, as set forth hereafter.

Date of Adoption: May 8, 2002

Date of Publication: May 22, 2002

Effective Date: May 29, 2002

By: _____
Sandra Crowder, Village President

By: Kasey J. Fiebernitz
Kasey J. Fiebernitz, Village Clerk

I Kasey Fiebernitz, being the Clerk of the Village of Bancroft, Michigan, do hereby certify that the foregoing is a true and correct copy of the Village of Bancroft Ordinance No. 222-02 passed on May 8, 2002, by the Village Council, by a vote of 7 yeas and 0 nays. Further, I do certify that I did cause the same or a synopsis to be published in the Argus Press newspaper, Owosso, Michigan, within fifteen (15) days after such adoption by the Village Council of Bancroft, pursuant to M.S.A. 5.1274.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____, A.D., 2002.

By: Kasey J. Fiebernitz
Kasey J. Fiebernitz, Village Clerk

Publish: May 22, 2002