

ORDINANCE NO. 2020-4

An Ordinance granting a revocable franchise to Indiana Michigan Power Company, its successors and assigns, for the right to acquire, construct, maintain, and operate in the streets, thoroughfares, alleys, bridges, and public places of the Village of Eau Claire, Berrien County, State of Michigan, and its successors, lines and appurtenant equipment for the transmission and distribution of electric energy to the Village of Eau Claire, and the inhabitants thereof, and for the transmission and distribution of the same within, through, or across said Village of Eau Claire, Berrien County, State of Michigan.

The Village of Eau Claire, Berrien County, State of Michigan, ordains:

SECTION I.

Indiana Michigan Power Company, its successors and assigns (hereinafter called "Grantee") is hereby granted the right, privilege, franchise, and authority to acquire, construct, maintain, and operate in, above, under, across, and along the streets, thoroughfares, alleys, bridges, and public places (as the same now exist or may hereafter be laid out) of the Village of Eau Claire, Berrien County, State of Michigan, lines for the transmission and distribution of electric energy, either by means of overhead or underground conductors, with all the necessary or desirable appurtenant equipment (the "Facilities"), to render public utility service in said Village and to the inhabitants thereof by supplying electric energy to said Village and the inhabitants thereof, and persons or corporations beyond the limits thereof for all purposes for which electric energy is now or may hereafter be used, and the transmission and distribution of the same within, through, or across said Village of Eau Claire, State of Michigan, subject to such reasonable regulation of the placement and operation of the Facilities as the Village Board shall prescribe from time to time and as is permitted under applicable state law.

SECTION II.

Said Facilities shall be constructed in a manner that shall not unreasonably interfere with the traveling public in its use of the streets, thoroughfares, alleys, bridges, and public places.

SECTION III.

The rights, privileges, and franchise hereby granted shall be in force and effect for a period of thirty (30) years from the date of the passage of this Ordinance, but revocable at the will of the Village Board unless approved by vote of the electors.

The rights, privileges, and franchise hereby granted shall not be construed to be exclusive and the Board of the Village of Eau Claire hereby reserves the power to grant

similar rights, privileges, and franchises to any other person or persons, firm or firms, corporation or corporations.

SECTION IV.

Said Grantee shall save the Village harmless from any and all liability arising in any way from Grantee's negligence in the erection, maintenance, or operation of said Facilities, except to the extent arising out of the Village's negligence or willful misconduct.

SECTION V.

Whenever said Grantee shall begin the erection or installation of any lines or equipment, it shall promptly and diligently prosecute the work to completion and leave the streets, thoroughfares, alleys, bridges, and public places where such work is done in as good condition of repair as before such work was commenced.

SECTION VI.

Wherever in this Ordinance, reference is made to the Village or the Grantee, it shall be deemed to include the respective successors or assigns of either; and all rights, privileges, franchises, and obligations herein contained by or on behalf of said Village, or by or on behalf of said Grantee, shall be binding upon, and inure to the benefit of the respective successors or assigns of said Village, or of said Grantee, whether so expressed or not.

SECTION VII.

This Ordinance shall be accepted by the Grantee within sixty (60) days from the date of the passage of same.

SECTION VIII.

This franchise shall take effect after its adoption, acceptance and publication as required by law.

Dated this 17th day of August, 2020

Village of Eau Claire, County of Berrien, State of Michigan

I hereby attest that the foregoing Ordinance was adopted by the Village of Eau Claire,
County of Berrien, State of Michigan, at a regular meeting held on 8-17 2020,
_____.

Shawn M Foster
Clerk