

## CHARTER TOWNSHIP OF COOPER

### NOTICE OF ADOPTION OF ORDINANCE NO. 246, CONSUMERS ENERGY COMPANY GAS AND/OR ELECTRIC FRANCHISE ORDINANCE

**To the residents and property owners of the Charter Township of Cooper, Kalamazoo County, Michigan, and all other interested persons:**

On April 9, 2018, the Charter Township of Cooper (the "Township") adopted Ordinance No. 246, Consumers Energy Company Gas and/or Electric Franchise Ordinance (the "Ordinance"). The following is a summary of the Ordinance. A true copy of the Ordinance, including any exhibits, is available for inspection at the Township Hall, 1590 West D Avenue, Kalamazoo, Michigan 49009, and is posted on the website of the Charter Township of Cooper, <http://www.coopertwp.org>.

Section 1 grants Consumers Energy the right, power and authority to lay, maintain and operate gas mains, pipes and services, and 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, along, across and under the highways, streets, alleys, bridges, waterways, and other public places and to do a local gas and/or electric business (collectively, the "Electric System") in the Township, for a period of thirty (30) years

Section 2 states that in consideration of the rights, power and authority hereby granted, Consumers Energy shall faithfully perform all things required by the terms hereof.

Section 3 provides the conditions of the franchise grant.

Section 4 provides for the vacation or relocation of the Electric System.

Section 5 provides that Consumers Energy shall comply with all laws, statutes, ordinances, rules and regulations regarding the installation, construction, ownership or use of its Electric System, whether federal, state or local.

Section 6 provides that Consumers Energy holds the Township harmless from all claims, losses, liabilities, causes of action, demands, judgments, decrees, and costs and expenses of any nature (including without limitation attorney fees and expert witness fees) resulting solely from the acts or omissions of Consumers Energy in connection with the Electric System.

Section 7 provides that the franchise is not exclusive.

Section 8 provides for extensions of the Electric System.

Section 9 provides for rates charged to Township residents for gas and/or electricity furnished therein.

Section 10 provides for the revocation of the franchise.

Section 11 provides that Consumers Energy shall remain subject to the rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas or electric service in the Township.

Section 12 provides that this ordinance repeals the prior May 9, 1988 gas and/or electric ordinance adopted by the Township entitled:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services, and 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, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas and/or electric business in the TOWNSHIP OF COOPER, KALAMAZOO COUNTY, MICHIGAN, for a period of thirty years.

Section 13 provides the effective date of the Ordinance.

DEANNA JANSSEN, Clerk  
Cooper Charter Township Hall  
1590 West D Avenue  
Kalamazoo, MI 49009  
(269) 382-0223