

33.000 WATER TREATMENT PLANT FRANCHISE

Ord. No. 1996-13

Adopted: October 23, 1996

AN ORDINANCE, granting to the City of Mount Pleasant the right, power, and authority to lay, maintain, and operate a sewer line and water mains, pipes and services on, along, across and under the roadways in the Township of Union, Isabella County, Michigan for a period of ten (10) years.

The Township of Union ordains:

SECTION I

33.100 TITLE

33.101 Title.

Sec. 1.1. This Ordinance shall be known and cited as the City Water Treatment Plant Franchise Ordinance and it shall be sufficient to any action for enforcement of the provision hereof to define the same by such [such] title or reference to the number hereof.

SECTION II

33.200 PURPOSE

33.201 Purpose.

Sec. 2.1. It is the purpose of this Ordinance to grant the City of Mt. Pleasant the right, power, and authority only as specified in Exhibit A to lay, maintain, and operate a sewer line and water mains, pipes and services on, along, across and under the roadways in the Township of Union, Isabella County, Michigan.

SECTION III

33.300 DEFINITION

33.301 Consent of laying of pipes, inc.

Sec. 3.1. Subject to the terms of this Ordinance, consent is hereby given to the City of Mt. Pleasant, a municipal corporation organized under the laws of the State of Michigan (the "City"), to lay, maintain, operate (operate) and use a sewer line and water mains, service pipes, and other necessary equipment in the roadways in the Township of Union, Isabella County, Michigan, only as set forth on the attached Exhibit A.

33.302 Use of roadways and other public places.

Sec. 3.2. The City shall not unnecessarily obstruct the passage of any of the roadways or other public places within the Union Township and shall within a reasonable time after making an opening or excavation, repair the roadway in as good condition as before the opening or excavation was made. The City shall use due care in exercising the privileges as granted and shall be liable to the Township of Union for all damages and costs which may be recovered against Union Township arising from the default, carelessness, or negligence of the City or its employees, agents and servants.

No road shall be opened for the laying of trunk lines or lateral mains except upon application to the Isabella County Road Commission or the Township of Union or other authority having jurisdiction in the premises, stating the nature of the proposed work and the route. Upon receipt of such application, it shall be the duty of Isabella County Road Commissioners or the Union Township Board, or such other authority as my [may] have jurisdiction to issue a permit to the City to do the work proposed.

33.303 Term of franchise ordinance: acceptance by City.

Sec. 3.3. This ordinance shall continue in effect for a period of ten (10) years thereafter, subject to revocation at the will of the Township of Union at any time during said ten (10) year period; provided, however, that when this ordinance shall become effective the Township Clerk shall deliver to the City a certified copy of the ordinance accompanied by written evidence of publication and recording thereof as required by law, and the City shall, sixty (60) days after the date of this ordinance takes effect, file with the Township Clerk its written acceptance of the conditions and provisions hereof.

33.304 Effect and interpretation of Ordinance.

Sec. 3.4. All ordinances and resolutions, and parts thereof, which conflict with any of the terms of this ordinance are rescinded. In the case of conflict between this ordinance and any such ordinances or resolutions, this ordinance shall control. The catch line headings which precede each Section of this ordinance are for convenience in reference only and shall not be taken into consideration in the construction of interpretation of any provisions of this ordinance.

EXHIBIT A

Location of Water Mains

The water mains shall be located as follows:

- (1) A water main on the south side of Broomfield Road from the City limits west to the location of the Water Treatment Plant.
- (2) A water main on the south side of Broomfield Road running from the location of the Water Treatment Plant west to McGuirk Street.
- (3) A water main running from the Ranney Well system in a southeasterly course to the west side of McGuirk Street to the south side of Broomfield Road and continuing east to the location of the Water Treatment Plant.

Location of Sewer Line

The sewer line shall be located as follows:

A sewer line on the south side of Broomfield Road from the location of the Water Treatment Plant east to the City limits to Connection Point #5.