

TOWNSHIP OF CALEDONIA

ORDINANCE NO. 01-24

AN ORDINANCE granting to ALPENA POWER COMPANY the right to the use of the highways, streets, alleys, and other public ways in the Township of Caledonia to construct, operate, maintain, and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, wires, transformers, and other electrical appliances.

THE TOWNSHIP OF CALEDONIA ORDAINS:

Section 1. The Township of Caledonia, County of Alcona, Michigan, hereby grants and consents to the use of the highways, streets, alleys and other public ways by ALPENA POWER COMPANY, a corporation authorized to transact business in Michigan, hereinafter called the "GRANTEE," to construct, operate, maintain, and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, 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, and other public ways, and to conduct a local electric business in the Township of Caledonia, County of Alcona, Michigan.

Section 2. The term of this Grant and Consent is for a period of thirty (30) years, from June 12, 2024 to June 12, 2054, subject to Section 3 hereof.

Section 3. A proposition seeking the confirmation of the grant of franchise shall be submitted to the electors in the Township of Caledonia during the November 5, 2024 general election in the Township. If the proposition is approved by a majority of the electors voting thereon, the franchise shall be irrevocable during the thirty (30) year term. If the proposition is not approved by a majority of the electors voting thereon, the franchise shall remain valid and in effect as provided in the grant of franchise, but the franchise shall be revocable by and at the pleasure of the Township Board of Trustees.

Section 4. In consideration of the rights hereby granted, the Grantee shall faithfully perform all things required by the terms hereof, including proper and adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency, in accordance with the rules and regulations of the Michigan Public Service Commission, or its successor; and such performance by the Grantee shall be in lieu of all license fees, rentals, or charges of every name and nature, except property taxes, which the Township shall otherwise levy and impose.

Section 5. All of the Grantee's towers, masts, and poles shall be neat and sightly, and so placed on either side of the highways, streets, alleys, and other public ways as not to unnecessarily interfere with the use thereof for highway, street, alley, or public way purposes. All of the Grantee's wires carrying electricity shall be fastened or buried so as not to unreasonably endanger or injure persons or property in said highways, streets, alleys, and public ways. All work performed by the Grantee in said highways, streets, alleys, and public ways shall be done so as not to unreasonably interfere 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 trim trees, if necessary, in the conducting of such business, subject, however, to the supervision of highway authorities.

Section 6. The Grantee shall at all times keep and save the Township free and harmless and indemnify the Township from all loss, costs, and expense by reason of the operation and maintenance of the electrical facilities hereby authorized. The Township shall notify the Grantee of any action commenced against the Township on account of the operation and maintenance by the Grantee of the structures and facilities authorized hereunder. In case any action is commenced against the Township on account of the construction, operation, and maintenance by the Grantee of the structures and facilities authorized hereunder, the Grantee, upon notice and demand, shall defend and indemnify the Township and save it free and harmless from all loss, cost, and damage arising out of the construction, operations, and maintenance of the electrical facilities authorized hereunder.

Section 7. The Grantee shall be entitled to charge the inhabitants of the Township for electric energy furnished therein, the rates, including minimum charges, being subject to any necessary approval of the Michigan Public Service Commission, or successors having authority and jurisdiction to fix and regulate electric rates and rules regulating such service in the Township. The rates and rules shall be subject to review and change at any time upon petition therefor being made by either the Township, acting by its Board of Trustees, or by the Grantee.

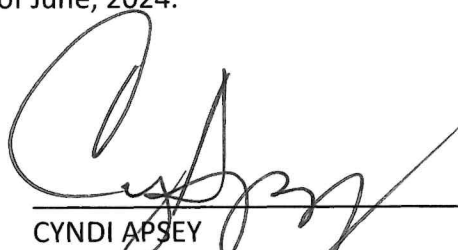
Section 8. The rights, power, and authority herein granted are not exclusive. The Grantee shall permit joint use of its property and appurtenances located on, under, along, and across the highways, streets, alleys, and other public ways, within the Township by the Township and other utilities, in accordance with the Rules and Regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises, and with written approval of the Township, insofar as joint use may be reasonably practicable.

Section 9. In the event the Grantee proposes to transfer or assign any interest hereunder, application for such transfer or assignment shall be made to the Township. The Township shall review and consider the financial and physical capabilities of the assignee or transferee to undertake the requirements of this franchise, and shall not unreasonably withhold approval. To the extent of such approval, the words "Alpena Power Company" and "Grantee" wherever used herein, shall be construed to mean and include both Alpena Power Company and its successors and assigns, as approved in writing by the Township, whether so expressed or not.

Section 10. This Ordinance shall be published once, in full, in a newspaper of general circulation within the boundaries of the Township and qualified under state law to publish legal notices, within 15 days after its adoption, and the same shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Township Supervisor and Township Clerk.

Section 11. This Ordinance shall take effect upon the day following the date of publication thereof, provided, however, it shall cease to be of any effect after sixty (60) days from its adoption, unless within said period the Grantee shall accept the same in writing filed with the Township Clerk.

ADOPTED by the Board of Trustees this 12th day of June, 2024.



CYNDI APSEY
Caledonia Township Supervisor



CINDY SMITH
Caledonia Township Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Board of Trustees of the Township of Caledonia, Alcona County, Michigan, at a regular meeting held on the 12th day of June, 2024.

I further certify that the following officers or trustees were present at said meeting:

Cyndi Apsey, Cindy Smith, Anthony Soback,
Tom Tice, Haylee Rondeau

and that the following officers or trustees were absent:

None

I further certify that Anthony Soback moved adoption of said Ordinance and that said motion was seconded by Tom Tice.

I further certify the following officers or trustees voted for the adoption of said Ordinance: Cyndi Apsey, Cindy Smith, Anthony Soback,
Tom Tice, Haylee Rondeau

and that the following officers or trustees voted against the adoption of said Ordinance:

None

DATED: June 12, 2024

Cindy Smith
CINDY SMITH
Caledonia Township Clerk

**ACCEPTANCE OF FRANCHISE
AND REQUEST FOR ELECTION TO CONFIRM IRREVOCABLE FRANCHISE
BY ALPENA POWER COMPANY**

TO THE TOWNSHIP OF CALEDONIA, ALCONA COUNTY, MICHIGAN:

Alpena Power Company hereby accepts the franchise granted to it by the Township of Caledonia Board of Trustees by virtue of the ordinance adopted on the 12th day of June, 2024; the ordinance is entitled:

AN ORDINANCE granting to ALPENA POWER COMPANY the right to the use of the highways, streets, alleys, and other public ways in the Township of Caledonia to construct, operate, maintain, and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, wires, transformers, and other electrical appliances.

Alpena Power Company does also hereby request that the question of the approval of the irrevocable nature of the franchise be submitted to the electors of the Township of Caledonia at the Township general election to be held on November 5, 2024.

ALPENA POWER COMPANY

DATED: June 12, 2024

By:



Kenneth A. Dragiewicz
President & COO

I hereby certify that the acceptance, of which the above is a true copy, was filed with me as Township Clerk on the 12th day of June, 2024.

DATED: June 12, 2024



Cindy Smith
Caledonia Township Clerk

TOWNSHIP OF CALEDONIA

RESOLUTION NO. 03-24

SUBJECT: Alpena Power Company Franchise

PRESENT: Officers and Trustees Curdi Apsey, Cindy Smith,
Haylee Rondeau, Tom Tice, Anthony Sobcek

ABSENT: Officers and Trustees None

At a regular meeting held on the 12th day of June, 2024, at the Township of Caledonia offices.

The following preamble and resolution were offered by Tom Tice
and seconded by Anthony Sobcek.

WHEREAS, the Township of Caledonia Board of Trustees has on the 12th day of June, 2024, adopted an ordinance entitled as follows:

AN ORDINANCE granting to ALPENA POWER COMPANY the right to the use of the highways, streets, alleys, and other public ways in the Township of Caledonia to construct, operate, maintain, and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, wires, transformers, and other electrical appliances.

at the request of Alpena Power Company; and

WHEREAS, Alpena Power Company has requested that the Township Board of Trustees submit to the electors in the Township of Caledonia a proposition during the November 5, 2024 general election, seeking the confirmation of the grant of franchise; and

WHEREAS, the above-described ordinance provides that if the proposition is approved by a majority of the electors voting thereon, the franchise shall be irrevocable during the thirty-year term of the franchise; and that, if the proposition is not approved by a majority of the electors voting thereon, the franchise shall remain valid and in effect as provided in the grant of franchise, but the franchise shall be revocable by and at the pleasure of the Township Board of Trustees;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

That the action of the Township of Caledonia Board of Trustees in granting the franchise to Alpena Power Company be submitted to the electors of the Township of Caledonia for confirmation at the Township general election on November 5, 2024. If the proposition is approved by a majority of the electors voting thereon, the franchise shall be irrevocable during the thirty-year term (June 12, 2024 to June 12, 2054) of the franchise. If the proposition is not approved by a majority of the electors voting thereon, the franchise shall remain valid and in effect as provided in the grant of franchise, but the franchise shall be revocable by and at the pleasure of the Township Board of Trustees.

That, following the receipt by the Township Clerk of Alpena Power Company's written acceptance of the franchise, the Township Clerk is authorized and directed to take such action so as to place said question of confirmation of the irrevocable nature of the franchise before the electorate of the Township of Caledonia at the Township general election on November 5, 2024, including transmission of the attached ballot language to the Alcona County Clerk.

AYES: Officers and Trustees Cyndi Apsey, Cindy Smith, Anthony Subeck,
Hayko Rondeau, Tom Tice

NAYS: Officers and Trustees Ø

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the foregoing resolution was adopted by the Township of Caledonia Board of Trustees at a duly scheduled regular meeting held on the 12th day of June, 2024.

DATED: June 12, 2024

Cindy K Smith
CINDY SMITH
Caledonia Township Clerk

ALPENA POWER COMPANY FRANCHISE

TOWNSHIP OF CALEDONIA, ALCONA COUNTY, MICHIGAN

Tuesday, November 5, 2024

Shall the grant of franchise from the Township of Caledonia to Alpena Power Company, for the purpose of constructing, maintaining, and commercially using electric lines on, under, along, and across the highways, streets, alleys, bridges, and other public places and to conduct a local electric business in the Township of Caledonia, County of Alcona, Michigan, for a period of thirty (30) years from June 12, 2024 to June 12, 2054, be made irrevocable for said thirty (30) year term?

YES

NO
