

PENINSULA TOWNSHIP
ORDINANCE GRANTING FRANCHISE FOR
WATER DISTRIBUTION AND SANITARY SEWER SYSTEMS
ORDINANCE NO. 12

An Ordinance to grant a non-exclusive franchise to the City of Traverse City to supply water and water distribution facilities and sanitary sewage collection facilities within the Township of Peninsula.

THE TOWNSHIP OF PENINSULA ORDAINS:

There is hereby adopted an Ordinance granting to the City of Traverse City, a Michigan municipal corporation, a non-exclusive franchise to supply potable water and water distribution and sanitary sewage collection facilities within the Township of Peninsula, pursuant to the following terms of franchise:

SECTION I

GRANT OF FRANCHISE

The Township of Peninsula, State of Michigan, hereinafter referred to as "Grantor" hereby grants to the City of Traverse City, hereinafter referred to as "Grantee", a non-exclusive franchise to construct, repair, maintain and operate water distribution and sanitary sewage collection facilities within the franchise area described in Section II below in the Township of Peninsula.

SECTION II

FRANCHISE AREA

This franchise shall be limited to the parcel of land upon which Port of Old Mission Condominiums No. I are situated, as described in the attached Exhibit "A", which is incorporated herein by reference.

SECTION III

TERM

The franchise granted by this Ordinance shall be revocable at the will of the Grantor and such revocation may be

applied separately to the water distribution or sanitary sewage collection facility.

SECTION IV

OWNERSHIP OF WATER DISTRIBUTION AND SANITARY SEWER SYSTEMS IN THE EVENT OF REVOCATION OF FRANCHISE

In the event this franchise shall be revoked for any reason, then and in that event the entire water distribution and/or sanitary sewage collection facility, including but not limited to, all pipe in the ground within the franchise area, as shown in Exhibit "B" which is on file in the Peninsula Township Clerk's office, shall immediately become the property of the Grantor, at no cost to said Grantor and in good repair.

SECTION V

CONSTRUCTION AND MAINTENANCE STANDARDS

The water distribution and sanitary sewage collection systems within the franchise area, as shown in Exhibit "B" which is on file in the Peninsula Township Clerk's office, shall be constructed in accordance with standards at least as great as those that are in effect within the Grantor Township from time to time and maintained in accordance with the standards established for the rest of the Traverse City water distribution and sanitary sewage collection facilities systems or the standards of the American Water Works Association, whichever are greater.

SECTION VI

WATER AND SEWER AGREEMENTS

The Grantee shall file promptly with the Grantor copies of all water and sewer agreements between the City and customers within the franchise area and any amendments thereto. On file in the Peninsula Township Clerk's office as Exhibit "B" to this franchise is the agreement between the City of Traverse City and Developer, including exhibits.

SECTION VII

INSPECTION OF TAX ASSESSMENT RECORDS OF CUSTOMERS

The Grantor shall, upon reasonable notice, permit the Grantee the right of reasonable inspection during regular

business office hours of tax assessment records of the Grantor
for the customers within the franchise area.

SECTION VIII

EFFECTIVE DATE

The Ordinance shall take effect immediately upon
passage by the Peninsula Township Board.

HAROLD J. McMANUS, Supervisor
MARY KAY BELDING, Clerk
Peninsula Township

Passed by the Town Board on: 2/2/82

Mary K. Belding, Clerk

* * *

• TO THE RECORD EAGLE:

Please publish on:

Please send bill to: Mary Kay Belding, Clerk

Please send affidavit to: Mary Kay Belding, Clerk

* * *

RECEIVED BY THE RECORD EAGLE:

Date: _____

Time: _____

By: _____

EXHIBIT A
TO ORDINANCE GRANTING FRANCHISE

A parcel of land located in Section 31, Township 28 North, Range 10 West, and Section 36, Township 28 North, Range 11 West, Peninsula Township, Grand Traverse County, Michigan, described as: Commencing at the quarter corner common to said Sections 31 and 36; thence South 00°42'03" West along the section line 670.63 feet to a point on the South right-of-way line of the road known as "Port Mission Road"; thence easterly 273.05 feet along a curve concave to the North, having a radius of 2488.53 feet and a long chord bearing South 77°12'37" East 272.91 feet; thence easterly 261.30 feet along a curve concave to the North, having a radius of 613.63 feet and a long chord bearing North 87°26'50" East 259.33 feet; thence South 39°25'35" West 126.04 feet; thence southerly 208.35 feet along a curve concave to the East, having a radius of 208.00 feet, and a long chord bearing South 10°43'47" West 199.75 feet; thence South 17°58'00" East 302.53 feet; thence South 00°13'30" West 105.00 feet; thence South 89°37'38" West 509.06 feet to the West line of Section 31; thence North 00°13'30" East 105.00 feet along the section line to the one-eighth corner; thence West along the eighth line (North line of Huron Hills No. 3 and the Traverse City limits) 899.45 feet; thence North 28°54'42" West 228.50 feet; thence North 61°01'43" East 700.00 feet; thence North 10°04'10" East 213.74 feet to the South right-of-way line of said "Port Mission Road"; thence South 72°20'16" East along said right-of-way line 310.64 feet; thence easterly 75.11 feet along a curve concave to the North, having a radius of 2488.53 feet, and a long chord bearing South 73°12'12" East 75.10 feet to the point of beginning (end of description).