

PENINSULA TOWNSHIP  
ORDINANCE GRANTING FRANCHISE FOR  
WATER DISTRIBUTION SYSTEM  
ORDINANCE NO. 14

An Ordinance to grant a non-exclusive franchise to the City of Traverse City, to supply potable water and water distribution 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 facilities within the Township of Peninsula, pursuant to the following terms of the 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 a water distribution system 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 area described as Section 31 and the south half of Section 30, Town 28 North, Range 10 West and Section 36 and the south half of

Section 25, Town 28 North, Range 11 West, of Peninsula Township. The south half of Sections 25 and 30 are more specifically described as being south of Mc Kinley Road.

### SECTION III

#### Term

The franchise granted by this Ordinance shall be revocable at the will of the Grantor.

### SECTION IV

#### Construction and Maintenance Standards

The Water distribution system within the franchise area 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 standard established for the rest of Traverse City water distribution system or the standards of the American Water Works Association, whichever are greater.

### SECTION V

#### Water Agreement

This franchise is granted pursuant to the terms and conditions of a water supply agreement between the Grantor and the Grantee dated JUNE 10, 1986.

### SECTION VI

#### Ownership of Water Distribution System in the Event of Revocation of Franchise

In the event this franchise shall be revoked for any reasons, then and in that event the entire water distribution system, including but not limited to all pipe

in the ground within the franchise area, shall immediately become the property of the Township or City as shown and allocated in Attachment C of the aforesaid water supply agreement.

#### SECTION VII

##### Hold Harmless

The Township agrees to hold harmless and indemnify the City from any and all losses and/or expenses, including actual reasonable attorney fees, that may be incurred by the City in litigating the legality of this franchise and the aforesaid water supply agreement or as a result of a decision by a court of competent jurisdiction that the franchise or water supply agreement are invalid. The Township represents that this franchise and the procedure for its adoption are legally sufficient to allow the City to utilize the highways, streets, alleys and other public places within the franchise area for the purpose of operating and transacting the local business of the water distribution system provided for in the franchise.

#### SECTION VIII

##### Effective Date

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

HAROLD MC MANUS, Supervisor  
MARY K. BELDING, Clerk  
Peninsula Township

Passed by the Town Board on:

June 10, 1986