

Revised
ORDINANCE # 28

An Ordinance granting to W. H. Magel his heirs, successors or assigns, permission to construct, maintain and operate an electric light plant, in the Village of Concord, Jackson County, Michigan.

Be it ordained by the Village Council of the Village of Concord:

Section 1. W.H. Magel his heirs, successors or assigns are hereby authorized and empowered to enter upon highways, streets, avenues, and alleys of the Village of Concord, and construct, erect, and maintain and operate in, along, under and over said highways, streets, avenues, and alleys, posts and poles and wire and other appliances and fixtures for an electric light plant subject however to the laws of the State of Michigan that are now in force or that may hereafter be enforced.

Section 2. Said W.H. Magel his heirs, successors or assigns are hereby granted the right to construct, erect, maintain and operate an electric light plant in said Village of Concord and to repair and enlarge or extend the same and carry on the business of operating an electric light plant, the authority and permission herein granted are subject to the following conditions and restrictions to wit:

Article 1. Posts and poles used in the construction of the pole line in connection with said plant shall be reasonably strait and placed in or adjacent to the lines of the curb of the sidewalk or otherwise in such manner as not to impede public travel and such posts or poles shall be placed under the direction and subject to the authority of the street and alley committee of the Village Council of said Village and said poles are to be neatly trimmed.

Article 2. In case of bringing to grade or changing of grade of curb line of any street or alley of said Village said grantees shall at its own expense and within thirty days, being notified in writing by the Village Council of said Village or by their directions reset such poles.

Article 3. During the construction of that portion of said plant which is to be erected in, along, under, upon and over highways, avenues, streets and alleys on, in, and over property in said Village the said grantees shall not unnecessarily impede public travel and shall leave all said highways, avenues, streets and alleys upon which said grantees may enter for the purpose herein authorized as they were at the time of the entree thereon and shall suitably grade and protect any excavation that may be made so as to prevent injury to persons and to the public and private property by reason thereof. The said grantees shall be liable for damages for all accidents that may occur by reason of construction of said plant and occupancy of said streets, avenues and alleys of said Village by said grantees and shall hold the village harmless therefrom and in case suit shall be instituted against the village by person or persons, corporations claiming damages because of any fault, act or omission of said grantees or any of its agents or employees shall hold the village harmless and shall protect and indemnify said village from any liability or expenditures of any money by reason of the institution and protection of any such suit or suits and said village may employ their attorneys therefor.

Section 3. All words referring to the grantees in this Ordinance and wherever the said grantees shall be mentioned or is understood herein shall be held to include in all case its successors or assigns and wherever the word plant shall be used it shall be deemed to include all tangible property of every kind and description belonging to the electric light service in the said village.

Section 4. The provisions of this ordinance shall extend

for a period of thirty years from a passing thereof and its approval by said president of the Village of Concord thereof.

This franchise is granted upon the conditions that the said grantees shall faithfully comply with each and all the various provisions contained in said ordinance the rights, priveledges and franchise herein granted shall at the option of the Village Council of said village be determined and forfeited, and if the said Village Council shall elect or declare by reason of non complicance of said grantees with the provisions of this ordinance or other ordinances of said village, the Village Council shall cause the said grantees to be notified of such forfeiture and the said grantees within ninety (90) days of receiving such notice shall remove all property belonging to said grantees from all streets, avenues and public grounds and upon its failure so to do the village council may then cause such property to be removed at the expense of said grantees and the said village shall have a lien upon said property to the extent of having said property removed and the said grantees shall file in writing acceptance of this ordinance duly acknowledged within six days of the passage and approval thereof or all rights and privileges granted this ordinance are declared forfeited.

Section 5. This ordinance shall take effect and be in force from and after its passage and publication and filing in the office of the village clerk of the Village of Concord and unconditional acceptance hereof by said grantees.

H.C. Bullock, Pres.
G.A. Stahley, Jr., Clerk

To the Corporate Authorities of the Village of Concord,
Jackson County, Michigan:

The undersigned hereby accepts the terms and conditions of the ordinance passed by you on the 11th day of January A.D., 1900, in favor of W.H. Magel his heirs, successors or assigns granting a consent to construct and operate an electric light plant in and along the streets of said village. W.H. Magel
Dated January 17th, 1900.
County of Jackson
Village of Concord

I hereby certify that the foregoing is a true copy of the ordinance passed by the Village Council of the Village of Concord aforesaid, and of the acceptance of same.

G.A. Stahley, Jr., Clerk
Dated Jan. 17th, 1900.