

Ordinance 218
STOCKBRIDGE VILLAGE
SANITARY SEWER TRANSMISSION LINE ORDINANCE
STOCKBRIDGE TOWNSHIP, MICHIGAN

An ordinance, granting to the Village of Stockbridge, its successors and assigns, the right, power and authority to maintain and operate an underground sanitary sewer transmission line, on, over, along, across and under specific highways, streets, alleys, bridges and other public places and described herein, in the Township of Stockbridge, Ingham County, Michigan.

THE TOWNSHIP OF STOCKBRIDGE ORDAINS:

Sec. 1. GRANT TERM.

The Township of Stockbridge, Ingham County, Michigan, hereby grants to the Village of Stockbridge, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to maintain, operate and use a underground sanitary sewer transmission line and pipe, and such above ground fixtures as are necessary, on, along, across and under the highways, streets, alleys, bridges and other public places, which are specifically described hereafter in the Township of Stockbridge, Ingham County, Michigan.

PERMANENT EASEMENT:

Located in parts of the NW 1/4 and NE 1/4 of Section 28 and NW 1/4 of Section 27, TIN, R2E, Township of Stockbridge, Ingham County, Michigan, being more specifically described as follows: The Northern half of the 66 foot wide Morton Road Right-of-Way from the centerline of Jacobs Lake Drain Easterly to the Eastern Heeney Road Right-of- Way and the Southern half of the 66 foot wide Morton Road Right-of-Way from the Heeney Road Right-of- Way Easterly to Stockbridge Village Limits. An area approximately 1,750 feet East and West by 33 feet North of Morton Road centerline and 5,244 feet East and West by feet 33 South of Morton Road centerline.

This grant is limited to the specific property and no other or further rights are granted, nor are any to be implied.

Sec. 2. CONSIDERATION.

In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

Sec. 3. CONDITIONS.

The conditions of this Ordinance and any subsequently imposed conditions shall be performed. These conditions shall include the following:

A) **Safety, Appearance.** The safety, functioning and appearance of the property and the convenience and safety of other persons shall not be adversely affected by the installation, maintenance or construction of the underground sanitary sewer transmission line and pipe.

B) Distribution of Expense. The cost of the installation, construction, operation, maintenance, or removal of the underground sanitary sewer transmission line and pipe shall be borne by Grantee, and shall not be borne by any property owner.

C) Just Compensation. The owner of the property shall be justly compensated by Grantee for any damages caused by the installation, construction, operation, maintenance, or removal of underground sanitary sewer transmission line and pipe by Grantee, when required by law.

D) Minimum Interference. All construction and maintenance of the underground sanitary sewer transmission line and pipe by Grantee, within the Township, shall be so performed as to cause minimum interference with the proper use of streets, alleys, and other public ways and public places, and to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of the said streets, alleys, or public ways and public places.

E) Damage to Public Property. In case of disturbances of any road, street, sidewalk, alley, public way, or paved area, Grantee shall, at its own cost and in a manner approved by the Township Board or its representative(s), replace and restore such road, street, sidewalk, alley, public way or paved area in as good a condition as existed before such disturbance.

F) Relocation of Equipment and Materials. If at any time the Township shall lawfully elect to alter or change the grade of any road, street, sidewalk, alley, or other public way, Grantee, upon reasonable notice by the Township, shall remove or relocate its underground sanitary sewer transmission line and pipe, manholes, and other fixtures at its own expense, whether above ground or underground.

G) Engineering Standards & Specifications. All of Grantee's structures and equipment, including but not limited to the underground sanitary sewer transmission line and pipe, fixtures, and appurtenances shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained, and operated in accordance with good engineering practices and meet all relevant specifications of Federal, State and local law.

H) Subject to Police Power. Grantee shall be subject to all lawful exercise of the police power of the Township and to such reasonable regulations as the Township shall hereinafter provide. Such regulations may include prohibiting Grantee's use of the Township roads, public places, streets or alleys for the installation of additional facilities, lines and structures, and may include regulations regulating future transmission lines and pipes in a different manner than set forth herein. The police power may be exercised through amendment of this Ordinance as well as through enactment of separate ordinances and regulations. Unless provided for in a granted pursuant to this Ordinance, such amendments, enactments, and regulations may be adopted after thirty (30) days prior written notice being delivered to the Grantee of the proposed amendment, enactment, or regulation.

I) Inspection. The Township shall have the right to supervise all construction or installation work performed subject to the provisions of the grant and may make such inspections as it shall find necessary to insure compliance with the terms of the grant and all other provisions of law.

Sec. 4. HOLD HARMLESS.

Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the construction and maintenance of the structures, line, pipes, and equipment hereby authorized. In case any action is commenced against the Township on account of the permission herein granted, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost, attorney fees, and damage arising out of such construction and maintenance.

Sec. 5. CONSENT NOT EXCLUSIVE.

The right, power and authority herein granted is not exclusive, provided, however, that no subsequent grant shall be made which unlawfully interferes with the rights granted to the Grantee hereunder.

Sec. 6. EFFECTIVE DATE.

This ordinance shall take effect upon the day after the date of publication thereof, provided, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Township and said Grantee.

STATE OF MICHIGAN)
COUNTY OF INGHAM)SS

I, MARY WILSON, Stockbridge Township Clerk, do hereby certify that the above Ordinance was adopted by a roll call vote of the Stockbridge Township Board on the 2nd day of September, 2003, upon motion made by Member Diane Wilson, seconded by Member Mary Wilson.

AYES – R Wilson, D. Wilson, M. Wilson & Allen	<u>4</u>
NAYES – Risner	<u>1</u>

I further certify that said Ordinance was adopted in accordance with the Open Meetings Act.

MARY WILSON
STOCKBRIDGE TOWNSHIP CLERK

Dated: September 2, 2003

RECORD OF ADOPTION

Date of Adoption

September 2, 2003

Date of Publication - Affidavit Attached - **MUST BE PUBLISHED WITHIN 15 DAYS OF ADOPTION**

September 16, 2003

Date of Filing Ordinance, Resolution and Affidavit with County Clerk

September 16, 2003

Date of Filing Ordinance in Township Book of Ordinances

September 16, 2003