

ORDINANCE NO 194

39 amended by 194

AN ORDINANCE AMENDING ORDINANCE 39 TO EXTEND THE EXISTING AGREEMENT BETWEEN THE CITY OF DETROIT AND CONSUMERS POWER, INC. FOR AN ADDITIONAL TEN YEARS AND TO INCREASE THE FRANCHISE FEE FROM THREE AND ONE-HALF PERCENT TO SIX (6) PERCENT.

WHEREAS, on the 8th day of November, 1977, the City of Detroit passed Ordinance 39 which was the grant of a franchise to Consumers Power, Inc. for the purpose of using the City right-of-way to provide electrical power within the city limits of Detroit; and,

WHEREAS, the original franchise set forth in Ordinance 39 was for a period of twenty year; and,

WHEREAS, the City and CPI entered into an Agreement to Extend the Franchise from August 11, 1997 to August 10, 1999; and,

WHEREAS, the City and Consumers Power, Inc, desire to continue the franchise agreement for an additional ten (10) years under the same terms and conditions except for an increase in the franchise fee.

NOW, THEREFORE, THE CITY OF DETROIT, OREGON ORDAINS AS FOLLOWS:

SECTION 1. The recitals set forth above are hereby incorporated into the body of Ordinance 39 as if fully set forth herein.

SECTION 2. Section 4 of Ordinance 39 is amended by striking the language in Section 4 and replacing it with the following language:

"This franchise is granted until September 9, 2013, unless sooner terminated as provided in this franchise."

SECTION 3. Section 11 of Ordinance 39 is amended by striking the words and numbers "three and one half percent (3 1/2%) in the third line of said section and replacing said stricken portion with the following language:

"six percent"

SECTION 4. Except as specifically amended herein, Ordinance 39 shall remain in full force and effect.

First read for the record in full on August 12, 2003.
Second reading in full on September 9, 2003.
Adopted by the Detroit City Council this 9th day of September 2003.

CITY OF DETROIT

By: [Signature]
Harold M. Hills, Mayor

Date: September 9, 2003

Attest: [Signature]
Sandra K. Furbish, City Recorder

Date: September 9, 2003

Approved as to form:

By: [Signature]
David A. Rhoten, City Attorney