

**CHARTER TOWNSHIP OF YPSILANTI  
MINUTES OF THE JANUARY 20, 2015 REGULAR MEETING**

Supervisor Stumbo, called the meeting to order at approximately 7:03 p.m. in the Ypsilanti Township Civic Center Board Room, 7200 S. Huron River Drive, Ypsilanti Township. The Pledge of Allegiance was recited and a moment of silent prayer was observed.

**Members Present:** Supervisor Brenda L. Stumbo, Clerk Karen Lovejoy Roe, Treasurer Larry Doe, Trustees Stan Eldridge, Mike Martin and Scott Martin

**Members Absent:** Trustee Jean Hall Currie

**Legal Counsel:** Wm. Douglas Winters

**PUBLIC COMMENTS**

Patrick Springstubbe, Township Resident thanked the Board for bringing the ordinance regarding firearms in our parks in line with State law. Secondly, he stated he did not have a problem with the road diet being considered on Hewitt Road, but had received little or no communication regarding the pedestrian refuge island, which was slated for installation on Hewitt and Burns. He felt it would impede his access daily on his way home. He stated the money could better be used for sidewalks on Congress and that would help address the safety issues for that area as well.

Supervisor Stumbo stated the request for the pedestrian crossing had come from Neighborhood Watch concerns. She had reported Mr. Springstubbe's concerns to the Road Commission and suggested he bring his concerns to the next Neighborhood Watch meeting. The Supervisor reported the federal government approval for the funds for this project had not yet been approved.

Trustee Scott Martin discussed safety concerns regarding crossing Hewitt Road.

Arloa Kaiser, Township Resident stated she had heard the presentation during the Work Session from the Washtenaw County Office of Community and Economic Development. She voiced concern that the committees that were to be set up to study the housing issues be made up of volunteers, so additional monies would not be needed for salaries.

**CONSENT AGENDA**

**A. MINUTES OF THE DECEMBER 16, 2014 WORK SESSION AND REGULAR MEETING**

**B. STATEMENTS AND CHECKS**

- 1. 2014 YEAR END CHECKS AND JANUARY 20, 2015 IN THE AMOUNT OF \$1,942,823.12**
- 2. CHOICE HEALTH CARE DEDUCTIBLE ACH EFT, FOR DECEMBER IN THE AMOUNT OF \$36,151.10**
- 3. CHOICE HEALTH CARE ADMIN FEE FOR NOVEMBER AND DECEMBER IN THE AMOUNT OF \$2,340.00**

**C. DECEMBER 2014 TREASURER REPORT (see attached)**

**D. 2014 ANNUAL TREASURER REPORT (see attached)**

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**A motion by Treasurer Doe, supported by Clerk Lovejoy Roe to approve the Consent Agenda. The motion carried unanimously.**

**SUPERVISOR REPORT**

- 1/5/15 – 1/9/15
  - Vacation
- 1/12/15
  - 3 full-time officials and Jeff Allen met with DTE regarding light conversion project
  - Attended weekly police meeting, Commander Radzik attended as well
  - Attended Lincoln NHW meeting, Water Resources Commissioner Evan Pratt was our guest speaker
- 1/13/15
  - Met with Jerry French regarding Depot Town Community Development Corporation and will submit a formal request for space at the Township. Look forward to feedback from Treasurer Doe and Joe Lawson who attended their meeting.
  - Attended Schooner Cove NHW meeting
  - Attended Holmes Road NHW meeting, Eric Waddell from Washtenaw Metro Dispatch was our guest speaker
- 1/14/15
  - 3 full-time officials met with Jeff Allen, Carl Girbach and Karen Wallin regarding future personnel for Parks & Grounds and Maintenance Departments. A recommendation will be brought back to the Board.
  - Karen Roe and I attended ELG Executive Committee meeting at EMU President's house
  - Attended Thurston NHW meeting, Mike Radzik was our guest speaker
- 1/15/15
  - Attended weekly development team meeting, Yankee Air Museum had their preconception meeting, OHM updated Veteran's Drive design and will re-bid
  - Met with Dave Callanan & Alison Beatty regarding special event at Yankee Air Museum
  - Attended YCUA Personnel Committee meeting
- 1/16/15
  - 3 full-time officials met with Congresswoman Debbie Dingell, there will be a follow up meeting in February and Attorney Winters will discuss banks, foreclosures and the negative effects
  - Clerk Roe and I attended Special Olympic's event, hosted by Justin Blair at Green Oaks Golf Course
- 1/17/15
  - Attended Preserves NHW meeting, 28 residents present
- 1/20/15
  - Attended southeastern Girl Scouts meeting with Clerk Roe, Congresswoman Dingell and Mayor Amanda Edmonds
- 1/20/15
  - Attended weekly police meeting, Commander Radzik attended as Well
- The 2015 Helpful Handbooks were mailed out and residents began receiving them last week. Due to calls we received, we discovered that the printing company made an error and several "A" week residents received a "B" week magnet. We immediately made contact with the printer and they are sending out postcards today to all "A" week residents, asking them to make sure they received the correct magnet. If they did not, they are asked to contact the printer and a correct magnet will be mailed.

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- 92 gallon totes are now an option for residents
- Copies of the 2015 Fiscal Year budget have been distributed
- Guest speakers at Neighborhood Watch meetings have been well received!
- Moved into the new Law Enforcement Center last week! We are looking to have a scheduled Grand Opening in February

**CLERK REPORT**

Supervisor Stumbo reported the Clerk Report had been presented at the Work Session

**TREASURER REPORT**

None

**TRUSTEE REPORT**

None

**ATTORNEY REPORT**

Supervisor Stumbo reported the Attorney Report had been presented at the Work Session.

**OLD BUSINESS**

1. **2<sup>ND</sup> READING RESOLUTION NO. 2014-33, ORDINANCE NO. 2014-440, AMENDING THE CODE OF ORDINANCES, CHAPTER 46 ENTITLED PARKS AND RECREATION, ARTICLE III GENERAL CONDUCT, WEAPONS AND EXPLOSIVES IN TOWNSHIP PARKS ( 1<sup>ST</sup> READING HELD AT THE DECEMBER 16, 2014 REGULAR MEETING)**

Clerk Lovejoy Roe read the resolution into the record then stated a small change had been made in the ordinance and read it into the record as well.

**A motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to approve the 2<sup>nd</sup> Reading of Resolution No. 2014-33, Ordinance No. 2014-440, Amending the Code of Ordinances, Chapter 46 entitled Parks and Recreation, Article III General Conduct, Weapons and Explosives in Township Parks (see attached).**

**The motion carried as follows:**

**Eldridge: Yes      Scott Martin: Yes      Stumbo: Yes  
Clerk Lovejoy Roe: Yes      Treasurer Doe: Yes      Mike Martin: Yes**

2. **2<sup>ND</sup> READING OF ORDINANCE NO. 2014-442, AMENDING CODE OF ORDINANCES, CHAPTER 42, ARTICLE VIII, OFFENSES CONCERNING UNDERAGE PERSONS ( 1<sup>ST</sup> READING HELD AT THE DECEMBER 16, 2014 REGULAR MEETING)**

Clerk Lovejoy Roe read the ordinance into the record.

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**A motion by Clerk Lovejoy Roe, supported by Treasurer Doe to approve 2<sup>nd</sup> Reading of Ordinance No. 2014-442, Amending Code of Ordinances, Chapter 42, Article VIII, Offenses Concerning Underage Persons (see attached).**

Supervisor Stumbo explained this was updating the ordinance to current technology.

**The motion carried as follows:**

**Eldridge: Yes          Scott Martin: Yes          Stumbo: Yes  
Clerk Lovejoy Roe: Yes      Treasurer Doe: Yes      Mike Martin: Yes**

**3. 1<sup>st</sup> READING RESOLUTION NO. 2014-34, PROPOSED ORDINANCE NO. 2014-441, AMENDING THE CODE OF ORDINANCES, CHAPTER 48 ENTITLED PROPERTY MAINTENANCE, TO ESTABLISH MINIMUM STANDARDS FOR BOARDED WINDOW AND DOOR OPENINGS (TABLED AT THE DECEMBER 16, 2014 REGULAR MEETING)**

**A motion was made by Clerk Lovejoy Roe, supported by Trustee Scott Martin to remove the 1<sup>st</sup> Reading of Resolution No. 2014-34, proposed Ordinance No. 2014-441, Amending the Code of Ordinances, Chapter 48 Entitled Property Maintenance, To Establish Minimum Standards for Boarded Window and Door Openings from table.**

**The motion carried as follows:**

**Eldridge: Yes          Scott Martin: Yes          Stumbo: Yes  
Clerk Lovejoy Roe: Yes      Treasurer Doe: Yes      Mike Martin: Yes**

**A motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to not approve 1<sup>st</sup> Reading of Resolution No. 2014-34, proposed Ordinance No. 2014-441, Amending the Code of Ordinances, Chapter 48 Entitled Property Maintenance, To Establish Minimum Standards for Boarded Window and Door Openings.**

Supervisor Stumbo explained that after discussion with Attorney Angela King, the Board realized the Township could take the necessary actions without adopting an ordinance.

**The motion carried as follows:**

**Eldridge: Yes          Scott Martin: Yes          Stumbo: Yes  
Clerk Lovejoy Roe: Yes      Treasurer Doe: Yes      Mike Martin: Yes**

**NEW BUSINESS**

**1. BUDGET AMENDMENT #1**

Clerk Lovejoy Roe read Budget Amendment #1 into the record.

**A motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to approve Budget Amendment #1 (see attached).**

Supervisor Stumbo reported the legislators had called for a Special Election in May to consider a one-cent sales tax increase, which would be for our roads. She stated the exact ballot language had not been received at this point. She also stated the Township had not included election expenses when the budget had been adopted, however the expenses would be completely reimbursable by the State.

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The motion carried unanimously.

**2. REQUEST OF ERIC COPELAND, FIRE CHIEF TO APPROVE MUTUAL AID AGREEMENT BETWEEN YPSILANTI TOWNSHIP AND VAN BUREN TOWNSHIP**

**A motion was made by Treasurer Doe, supported by Trustee Eldridge to approve the Mutual Aid Agreement between Ypsilanti Township and Van Buren Township (see attached).**

Vic Chevrette, Fire Marshal briefly explained the Mutual Aid Agreement would cover the eastern border of Ypsilanti Township from I-94 South to Textile, to Whittaker, to Bemis Road and in return into Van Buren Township from the Service Drive South all the way to Elwell Road for a radius of six miles each way.

Trustee Eldridge questioned how long the agreement lasted and Mr. Chevrette stated the agreement was in effect thirty days from the signing of the agreement, until terminated by either municipality.

The motion carried unanimously.

**3. REQUEST FOR AUTHORIZATION TO SIGN PURCHASE AGREEMENT WITH DTE FOR ONE (1) OVERHEAD 130 WATT BLACK LED STREETLIGHT IN THE AMOUNT OF \$3,214.75 TO BE LOCATED AT THE HEWITT AND BURNS CROSSWALK, BUDGETED IN LINE ITEM #101.446.000.818.022**

**A motion by Clerk Lovejoy Roe, supported by Trustee Scott Martin (if the project proceeds) to sign purchase agreement with DTE for one (1) Overhead 130 Watt Black LED Streetlight in the amount of \$3,214.75 to be located at the Hewitt and Burns Crosswalk, budgeted in line item #101.446.000.818.022 (see attached). The motion carried unanimously.**

Supervisor Stumbo said this would be brought back to the Board in case there were any changes.

**4. REQUEST TO CANCEL YPSILANTI TOWNSHIP BOARD MEETING SCHEDULED FOR TUESDAY, MAY 5, 2015 DUE TO STATEWIDE SPECIAL ELECTION**

**A motion was made by Trustee Eldridge, supported by Treasurer Doe to cancel the Ypsilanti Township Board Meeting scheduled for Tuesday, May 5, 2015 due to the Statewide Special Election. The motion carried unanimously.**

**5. REQUEST TO APPROVE RIGHT OF WAY PERMIT APPLICATION FILED BY KEPS TECHNOLOGIES, INC. (DBA ACD. NET AND ACD TELECOM, INC.) PURSUANT TO THE METRO ACT, PUBLIC ACTS 2002 ACT #48 APPROVAL SUBJECT TO APPLICANT POSTING A BOND IN THE AMOUNT OF \$5,000.00 AND PROVIDING A CERTIFICATE OF LIABILITY INSURANCE WITH PROPER LANGUAGE**

**A motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to approve Right of Way Permit Application filed by KEPS Technologies, Inc. (DBA ACD.Net and ACD Telecom, Inc.) pursuant to the Metro Act, Public Acts 2002 Act #48 approval subject to applicant posting a bond in the amount of \$5,000.00 and providing a Certificate of Liability Insurance with proper language (see attached).**

Supervisor Stumbo explained this agenda item was for wiring in the Road Right of Way and asked if Comcast was included under the same METRO ACT.

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Joe Lawson, Planning Director stated he believed any utility that went in the Right of Way was covered under the METRO ACT. He agreed KEPS had to obtain a Certificate of Liability Insurance and would be required to restore the roadway back to the original condition.

**The motion carried unanimously.**

**6. REQUEST OF MICHIGAN ALLSTARS FOR LOCAL GOVERNING BODY  
RESOLUTION FOR CHARITABLE GAMING LICENSE**

**A motion was made by Clerk Lovejoy Roe, supported by Trustee Eldridge to approve request of Michigan Allstars for Local Governing Body Resolution for Charitable Gaming License. The motion carried unanimously.**

Clerk Lovejoy Roe explained the Michigan Allstars was a local sports group that requested to raise money for youth sports, namely track and field. She reported this was a process required by the State.

**7. REQUEST FOR APPROVAL TO AMEND PD STAGE II FINAL SITE PLAN  
OF BURNING BUSH CHURCH OF GOD IN CHRIST DATED SEPTEMBER  
26, 2014 PROPOSING THE CONSTRUCTION OF A 22,100 SQUARE FOOT  
NONRESIDENTIAL ADDITION IN RELATION TO THE EXISTING 26,000  
SQUARE FOOT CHURCH FACILITY LOCATED AT 770 JAMES L. HART  
PARKWAY PARCEL K-11-17-361-005 AND K-11-17-361-021 WITH  
CONDITIONS SET FORTH BY THE PLANNING COMMISSION AT THEIR  
MEETING NOVEMBER 25, 2014**

**A motion was made by Clerk Lovejoy Roe, supported by Trustee Eldridge to amend PD Stage II Final Site Plan of Burning Bush Church of God in Christ dated September 26, 2014 proposing the construction of a 22,100 square foot nonresidential addition in relation to the existing 26,000 square foot church facility located at 770 James L. Hart Parkway Parcel K-11-17-361-005 and K-11-17-361-021 with conditions set forth by the Planning Commission at their meeting November 25, 2014.**

Supervisor Stumbo reviewed the motion and requirements set forth by the Planning Commission at their November 25, 2014 meeting:

- 1) *All issues noted within the Planning Department Review dated November 12, 2014 shall be resolved prior to consideration by the Board of Trustees.*

Brandon Walker, Midwestern Consulting, LLC responded that Burning Bush Church had resolved all of the conditions listed as of that date.

- 2) *The applicant shall agree to install high definition security cameras on the exterior of the building and parking lot areas. All video footage shall be made available to law enforcement personnel for the purpose of crime investigations and shall further be available for not less than 30-days from the date of recording.*

Brandon Walker, Midwestern Consulting, LLC stated it was agreed and they would need to work with the Township to figure out the exact parameters of the security system.

- 3) *All issues noted by the Township reviewing agents shall be resolved prior to final approval.*

Brandon Walker, Midwestern Consulting, LLC stated it was agreed.

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*“With that said, as stated within section 1922 of the Township Zoning Ordinance, where the Township Office of Community Standards determines that a requested amendment to the approved site plan is determined to be “major” as defined within said ordinance, the applicant shall submit the appropriate application and amended site plan to the Township Planning Commission and Board of Trustees for review and consideration per the procedures outlined within section 1919 of the Township Zoning Ordinance.”*

*“Pending the resolution of all outstanding items noted with the November 12, 2014 staff report as is generally the case during the final engineer review phase, it is the recommendation of staff that the Township Board of Trustees approve the recommended amendment to the PD Stage II Final Site and attached said plan to the Development Agreement originally executed on June 16, 1998 to permit the construction of a 22,100 square-foot addition on to the existing 26,000 square foot facility with the conditions contained within the Planning Commission’s recommendation dated November 25, 2014.”*

Joe Lawson stated after this phase was completed then a Detailed Engineering Final Plan approval would be needed from OHM and YCUA would have to issue a permit as well.

Glendon Dixon, Administrator at Burning Bush Ministries stated the addition would become the sanctuary to seat 1,100, the Pastor’s office and a couple of restrooms. The existing sanctuary would be reorganized into a fellowship hall and children’s area. He stated currently, two services were being held every Sunday, averaging 800 to 900 people each.

**The motion carried unanimously.**

- 8. REQUEST OF MIKE RADZIK, OCS DIRECTOR FOR AUTHORIZATION TO SEEK LEGAL ACTION, IF NECESSARY, TO ABATE PUBLIC NUISANCE FOR PROPERTIES LOCATED AT 2817 APPLERIDGE, 2436 BURNS, 96 DEVONSHIRE, 859 ECORSE, 2215 HARMON, 2572 HEARTHSIDE, 1018 MAPLEWOOD, 1917 OUTER LANE, 2320 SHELLY AND 1274 RIDGE IN THE AMOUNT OF \$50,000.00, BUDGETED IN LINE ITEM #101.950.000.801.023**

**A motion was made by Treasurer Doe, supported by Trustee Scott Martin for authorization to seek legal action, if necessary, to abate public nuisance for properties located at 2817 Appleridge, 2436 Burns, 96 Devonshire, 859 Ecorse, 2215 Harmon, 2572 Hearthsides, 1018 Maplewood, 1917 Outer Lane, 2320 Shelly and 1274 Ridge in the amount of \$50,000.00, budgeted in line item #101.950.000.801.023. The motion carried unanimously.**

Supervisor Stumbo stated many of these properties were vacant and/or abandoned and had been discussed at length during the Work Session.

**AUTHORIZATIONS & BIDS**

- 1. REQUEST OF ANGELA VERGES, RECREATION SERVICES MANAGER TO AWARD LOW BID FOR PRINTING OF “DISCOVER” YPSILANTI TOWNSHIP RECREATION BROCHURE TO ADVANTAGE MARKETING SOLUTIONS NOT TO EXCEED \$11,000.00 PER ISSUE BUDGETED IN LINE ITEM #230.751.000.880.000 AND TO AWARD LOW BID FOR PRINTING OF SEASONAL PARK AND BOAT STICKERS AND DAILY PARK AND BOAT STICKERS TO ADVANCE PRINT AND GRAPHICS IN THE AMOUNT OF \$1,007.02 BUDGETED IN LINE ITEM #230.751.000.757.775**

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**A motion was made by Clerk Lovejoy Roe, supported by Trustee Eldridge to award low bid for printing of the "Discover" Ypsilanti Township Recreation Brochure to Advantage Marketing Solutions not to exceed \$11,000.00 per issue budgeted in line item #230.751.000.880.000 and to award low bid for printing of Seasonal Park and Boat Stickers and Daily Park and Boat Stickers to Advance Print and Graphics in the amount of \$1,007.02 budgeted in line item #230.751.000.757.775. The motion carried unanimously.**

**ADJOURNMENT**

**A motion was made by Clerk Lovejoy Roe, supported by Trustee Eldridge to adjourn the meeting. The motion carried unanimously.**

The meeting adjourned at approximately 7:58 P.M.

Respectfully submitted,

Brenda L. Stumbo, Supervisor  
Charter Township of Ypsilanti

Karen Lovejoy Roe, Clerk  
Charter Township of Ypsilanti



OFFICE OF THE TREASURER  
LARRY J. DOE



MONTHLY TREASURER'S REPORT  
DECEMBER 1, 2014 THROUGH DECEMBER 31, 2014

Account Name	Beginning Balance	Cash Receipts	Cash Disbursements	Ending Balance
101 - General Fund	3,315,661.34	972,661.74	1,066,975.09	3,221,347.99
101 - Payroll	208,311.70	831,694.27	824,626.64	215,379.33
101 - Willow Run Escrow	142,045.29	24.13	0.00	142,069.42
206 - Fire Department	911,498.36	281.02	362,763.11	549,016.27
208 - Parks Fund	8,565.07	0.21	0.00	8,565.28
212 - Roads/Bike Path/Rec/General Fund	600,955.71	180,345.69	756,951.94	24,349.46
225 - Environmental Clean-up	444,334.56	10.69	0.00	444,345.25
226 - Environmental Services	2,112,650.58	4,976.59	252,497.69	1,865,129.48
230 - Recreation	49,754.31	119,683.21	68,251.49	101,186.03
236 - 14-B District Court	190,482.97	92,800.66	84,962.05	198,321.58
244 - Economic Development	67,180.23	1.62	0.00	67,181.85
248 - Rental Inspections	133,316.70	17,273.31	12,903.28	137,686.73
249 - Building Department Fund	496,496.42	26,571.96	33,615.54	489,452.84
250 - LDFA Tax	29,455.94	0.71	0.00	29,456.65
252 - Hydro Station Fund	725,121.52	13.99	216,029.50	509,106.01
266 - Law Enforcement Fund	2,447,373.36	91.58	648,426.48	1,799,038.46
280 - State Grants	18,383.95	0.44	0.00	18,384.39
301 - General Obligation	213,101.33	16.85	0.00	213,118.18
396 - Series "A" Bond Payments	0.00	0.00	0.00	0.00
397 - Series "B" Cap. Cost of Funds	17,764.58	0.42	5,330.20	12,434.80
398 - LDFA 2006 Bonds	34,957.15	0.84	0.00	34,957.99
498 - Capital Improvement 2006 Bond Fund	336,559.22	57.17	0.00	336,616.39
584 - Green Oaks Golf Course	120,247.12	35,321.13	38,128.73	117,439.52
590 - Compost Site	839,673.83	63,799.56	25,544.91	877,928.48
595 - Motor Pool	279,282.08	34,345.98	8,036.07	305,591.99
701 - General Tax Collection	35,246.36	5,578.89	7,615.29	33,209.96
703 - Current Tax Collections	1,413,763.21	2,642,845.47	1,035,248.72	3,021,359.96
707 - Bonds & Escrow/GreenTop	938,117.35	6,591.95	80,281.93	864,427.37
708 - Fire Withholding Bonds	146,099.27	23.82	8,295.00	137,828.09
893 - Nuisance Abatement Fund	54,663.76	1,567.67	4,855.91	51,375.52
ABN AMRO Series "B" Debt Red. Cap.Int.	19,781.97	0.33	708.39	19,073.91
<b>GRAND TOTAL</b>	<b>16,350,845.24</b>	<b>5,036,581.90</b>	<b>5,542,047.96</b>	<b>15,845,379.18</b>

OFFICE OF THE TREASURER  
LARRY J. DOE



2014 ANNUAL TREASURER'S REPORT  
JANUARY 1, 2014 THROUGH DECEMBER 31, 2014

<u>Account Name</u>	<u>Beginning Balance</u>	<u>Cash Receipts</u>	<u>Cash Disbursements</u>	<u>Ending Balance</u>
101 - General Fund	3,936,047.67	10,432,634.72	11,147,334.40	3,221,347.99
101 - Payroll	126,692.87	9,568,018.05	9,479,331.59	215,379.33
101 - Willow Run Escrow	141,785.59	283.83	0.00	142,069.42
206 - Fire Department	750,384.68	5,106,203.44	5,307,571.85	549,016.27
208 - Parks Fund	13,343.98	3.06	4,781.76	8,565.28
212 - Roads/Bike Path/Rec/General Fund	1,109,963.92	2,212,277.29	3,297,891.75	24,349.46
225 - Environmental Clean-up	444,216.34	128.91	0.00	444,345.25
226 - Environmental Services	2,092,341.07	2,394,366.44	2,621,578.03	1,865,129.48
230 - Recreation	132,298.20	896,693.60	927,805.77	101,186.03
236 - 14-B District Court	121,646.30	1,339,812.70	1,263,137.42	198,321.58
244 - Economic Development	67,162.34	19.51	0.00	67,181.85
248 - Rental Inspections	122,814.71	172,260.21	157,388.19	137,686.73
249 - Building Department Fund	404,696.00	456,377.72	371,620.88	489,452.84
250 - LDFA Tax	305.12	229,151.53	200,000.00	29,456.65
252 - Hydro Station Fund	797,715.40	474,900.91	763,510.30	509,106.01
266 - Law Enforcement Fund	1,757,777.89	6,605,308.84	6,564,048.27	1,799,038.46
280 - State Grants	18,379.07	5.32	0.00	18,384.39
301 - General Obligation	211,698.67	16,919.51	15,500.00	213,118.18
396 - Series "A" Bond Payments	6,727.94	0.95	6,728.89	-
397 - Series "B" Cap. Cost of Funds	26,675.65	15,506.15	29,747.00	12,434.80
398 - LDFA 2006 Bonds	66,341.47	200,015.27	231,398.75	34,957.99
498 - Capital Improvement 2006 Bond Fund	335,943.88	672.51	0.00	336,616.39
584 - Green Oaks Golf Course	223,051.27	530,204.29	635,816.04	117,439.52
590 - Compost Site	1,418,153.21	367,292.80	907,517.53	877,928.48
595 - Motor Pool	451,958.27	166,207.91	312,574.19	305,591.99
701 - General Tax Collection	20,107.66	154,706.64	141,604.34	33,209.96
703 - Current Tax Collections	3,745,035.34	56,011,755.23	56,735,430.61	3,021,359.96
707 - Bonds & Escrow/GreenTop	826,282.84	347,982.63	309,838.10	864,427.37
708 - Fire Withholding Bonds	42,948.51	162,512.26	67,632.68	137,828.09
893 - Nuisance Abatement Fund	48,150.26	50,300.20	47,074.94	51,375.52
ABN AMRO Series "B" Debt Red. Cap.Int.	23,492.47	2.00	4,420.56	19,073.91
<b>GRAND TOTAL</b>	<b>19,484,138.59</b>	<b>97,912,524.43</b>	<b>101,551,283.84</b>	<b>15,845,379.18</b>

# CHARTER TOWNSHIP OF YPSILANTI

## RESOLUTION NO. 2014-33

### *Amending the Township Code Provision Governing Weapons and Explosives in Township Parks*

**Whereas**, the current Township Ordinance governing the possession and use of dangerous weapons and fireworks is in conflict with the Michigan Firearms and Ammunition Act; and

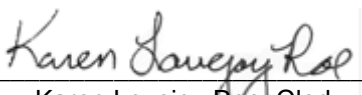
**Whereas**, the Michigan Firearms and Ammunition Act prohibits local governmental units, including townships from restricting the open carrying of pistols, firearms, and ammunition; and

**Whereas**, the Township's current Ordinance 46-61 prohibits the open carrying of pistols and firearms within the Township parks; and

**Whereas**, Ordinance No. 2014-440 amends the Township Code, Section 46-61 by deleting the provision prohibiting the possession or carrying of a gun or firearm within Township parks;

**Now therefore**, be it resolved that Ordinance 2014-440 is hereby adopted by reference.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify the above resolution is a true and exact copy of Resolution No. 2014-33 approved by the Charter Township of Ypsilanti, Board of Trustees assembled at a Regular Meeting held on January 20, 2015.

  
\_\_\_\_\_  
Karen Lovejoy Roe, Clerk  
Charter Township of Ypsilanti

# CHARTER TOWNSHIP OF YPSILANTI

## ORDINANCE NO. 2014-440

*An Ordinance to Amend the Code of Ordinances, Chapter 46  
entitled Parks and Recreation, Article III General Conduct*

The Charter Township of Ypsilanti hereby ordains that the Code of Ordinances, Chapter 46 Article III, General Conduct, is amended as follows:

**Delete: In its entirety, Section 46-61**

**Add: The following new provision:**

It shall be unlawful for any person within park property to:

- (1) Possess, carry, fire or discharge, or cause to be fired or discharged across, in or into any portion of the park, any spear, bow and arrow, crossbow, sling shot, air or gas soft gun or paint ball gun, except for purposes designated by the board in areas and at times designated by the board;
- (2) Possess, set off or attempt to set off or ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns or other pyrotechnics without authorization from the director; or
- (3) Discharge or cause to be discharged, a firearm, pistol, shotgun, pellet gun, and/or air rifle as defined by Michigan law, MCL 750.222, as amended, in or into any portion of a township park.

Any unauthorized or illegal weapon, explosive, or other pyrotechnic within a park shall be subject to seizure by a law enforcement officer.

### **Severability**

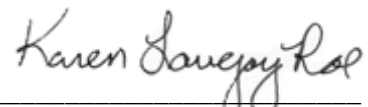
Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or enforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

### **Effective Date and Repeal of Conflicting Ordinances**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance shall take effect after publication in a newspaper of general circulation as required by law.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify adoption of Ordinance No. 2014-440 by the Charter Township of Ypsilanti Board of Trustees assembled at a Regular Meeting held on January 20, 2015 after first being introduced at a Regular Meeting held on December 16, 2014. The motion to approve was made by member Roe and seconded by member Doe. Yes: Mike Martin, Eldridge, Scott Martin, Stumbo, Roe, Doe. ABSENT: Currie NO: None ABSTAIN: None.



Karen Lovejoy Roe, Clerk  
Charter Township of Ypsilanti

Published: Thursday, January 29, 2015

# CHARTER TOWNSHIP OF YPSILANTI

## ORDINANCE NO. 2014-442

*An Ordinance to Amend the Code of Ordinances, Chapter 42, Article VIII,  
Offenses Concerning Underage Persons*

The Charter Township of Ypsilanti hereby ordains that the Code of Ordinances, Chapter 42, Article VIII, offenses concerning underage minors, is amended as follows:

**Delete: In its entirety, Section 42-326 which provides that it is unlawful for a minor to purchase, possess or transfer a beeper or telephone paging device.**

### **Severability**

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or enforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

### **Effective Date and Repeal of Conflicting Ordinances**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance shall take effect after publication in a newspaper of general circulation as required by law.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify adoption of Ordinance No. 2014-442 by the Charter Township of Ypsilanti Board of Trustees assembled at a Regular Meeting held on January 20, 2015 after first being introduced at a Regular Meeting held on December 16, 2014. The motion to approve was made by member Roe and seconded by member Doe. Yes: Mike Martin, Eldridge, Scott Martin, Stumbo, Roe, Doe. ABSENT: Currie NO: None. ABSTAIN: None.



---

Karen Lovejoy Roe, Clerk  
Charter Township of Ypsilanti

Published: Thursday, January 29, 2015

**CHARTER TOWNSHIP OF YPSILANTI  
2015 BUDGET AMENDMENT #1**

**January 20, 2015**

**101 - GENERAL OPERATIONS FUND**

**Total Increase**

**\$32,000.00**

Increase the following line items that relate to a special upcoming statewide election on May 5, 2015. This election was not known until the end of December and therefore was not budgeted for 2015 originally. This is funded by reimbursement from the State.

Revenues:

Reimbursement Elections -	101-000-000-686.000.000	\$32,000.00
	Net Revenues	<u><u>\$32,000.00</u></u>

Expenditures:

Appointed Election Officials	101-215-000-704.000	\$20,000.00
Overtime	101-215-000-709.000	\$4,900.00
Office Supplies	101-215-000-727.000	\$2,000.00
Professional Ser Programming Ballot	101-215-000-801.200	\$3,500.00
Travel	101-215-000-860.000	\$500.00
Equipment Rental/Leasing	101-215-000-941.000	<u>\$1,100.00</u>
		<u><u>\$32,000.00</u></u>

Motion to Amend the 2015 Budget (#1):

Move to increase the General Fund budget by \$32,000 to \$7,688,784 and approve the department line item changes as outlined.



# Washtenaw Area Mutual Aid Association

## Ypsilanti Township and Van Buren Township Fire Automatic Mutual Aid Program



### **Purpose:**

This activity will be conducted under the auspices of the existing interlocal agreement as developed by the Washtenaw Area Mutual Aid Association (WAMAA). It will enhance the existing agreement by sharing resources to make available more firefighters and resources on the scene of a structure fire in the participating communities, while maintaining local control of resources. This enhanced response will afford greater safety for firefighters, improved efficiency and effectiveness in fireground operations and enhance daily cooperative efforts so that in the event of a major, multi-jurisdictional incident, fire department command staff members from both agencies, as well as firefighters, would be accustomed to working together closely. This concept falls directly in line with federal, state, and local ideologies of regional cooperative efforts and, therefore, may enhance future funding opportunities for the participating communities.

### **Scope:**

Participants in this agreement will include the Charter Township of Van Buren, Wayne County, Michigan, and the Charter Township of Ypsilanti in Washtenaw County, Michigan.

### **Procedure:**

Upon dispatching the jurisdictional fire department to a reported "working" structure fire, meeting the below criteria, the jurisdictional dispatch center shall immediately contact the dispatch center for the other participating agency and request a response for "Automatic Mutual Aid" as per the agreement.

Ypsilanti Township: Ypsilanti Township agrees to send two Fire Engines, a large fire suppression vehicle containing minimally 750 gallons of water, to Van Buren Township when a "working" (i.e. flames visible, heavy smoke visible, or an explosion was detected) structure fires reported in the southwestern six (6) mile section of Van Buren Township located within the Ryznar Drive / Elwell Road, South Service Drive, Rawsonville Road, and Bemis Road section. See attached Van Buren Township Map and refer to sections 19, 20, 29, 30, 31, and 32.

Van Buren Township: Van Buren Township agrees to send two (2) Fire Engines, as described above, to Ypsilanti Township the when a "working" structure fire is reported in the southwestern six (6) mile section of Ypsilanti Township located within the Whittaker Road, Textile Road, Rawsonville Road, and Bemis Road section. See attached Ypsilanti Township Map and refer to sections 25, 26, 27, 34, 35, and 36.





**Washtenaw Area Mutual Aid Association**  
 Ypsilanti Township and Van Buren Township Fire Automatic Mutual Aid Program



When dispatched to the scene of a working structure fire it is understood, unless otherwise directed by the scene's incident commander, that the agency providing the resource under this agreement will respond emergent (i.e.: lights and siren) with a minimum manpower of two firefighters.

It is also understood that the incident commander will maintain full command authority over all responding resources. All participating departments shall utilize an accepted National Fire Academy Incident Command System (or similar).

Efforts will be made to clear the Automatic Aid resources as quickly as possible after the fire is brought under control.

Due to the dynamics of the fluctuating availability of resources and manpower it is understood that participating communities may not always be able to commit resources under this program. In those instances, the host community is to be notified as soon as possible so that they can request additional assistance from other departments. The intent of this automatic mutual aid agreement is for working structure fires under the conditions listed above. Its intent is to *supplement* resources & manpower but not to reduce fire department staffing by reliance on automatic aid.

**Agreement:**

We, as the authorized representatives of the below listed fire departments, agree to participate in the WAMAA Ypsilanti Township and Van Buren Township Fire Automatic Aid Program, contingent upon subsequent approval by the chief administrative officials and/or governing bodies of our respective municipalities. This program operates as an enhancement of, and in accordance with, the existing mutual aid interlocal agreement.

This agreement will remain effective 30 days from the signature date below until terminated by either municipalities governing board of trustees/ city council.

\_\_\_\_\_  
 Linda M. Combs  
 Van Buren Township Supervisor

Date: \_\_\_\_\_

\_\_\_\_\_  
 Leon Wright  
 Van Buren Township Clerk

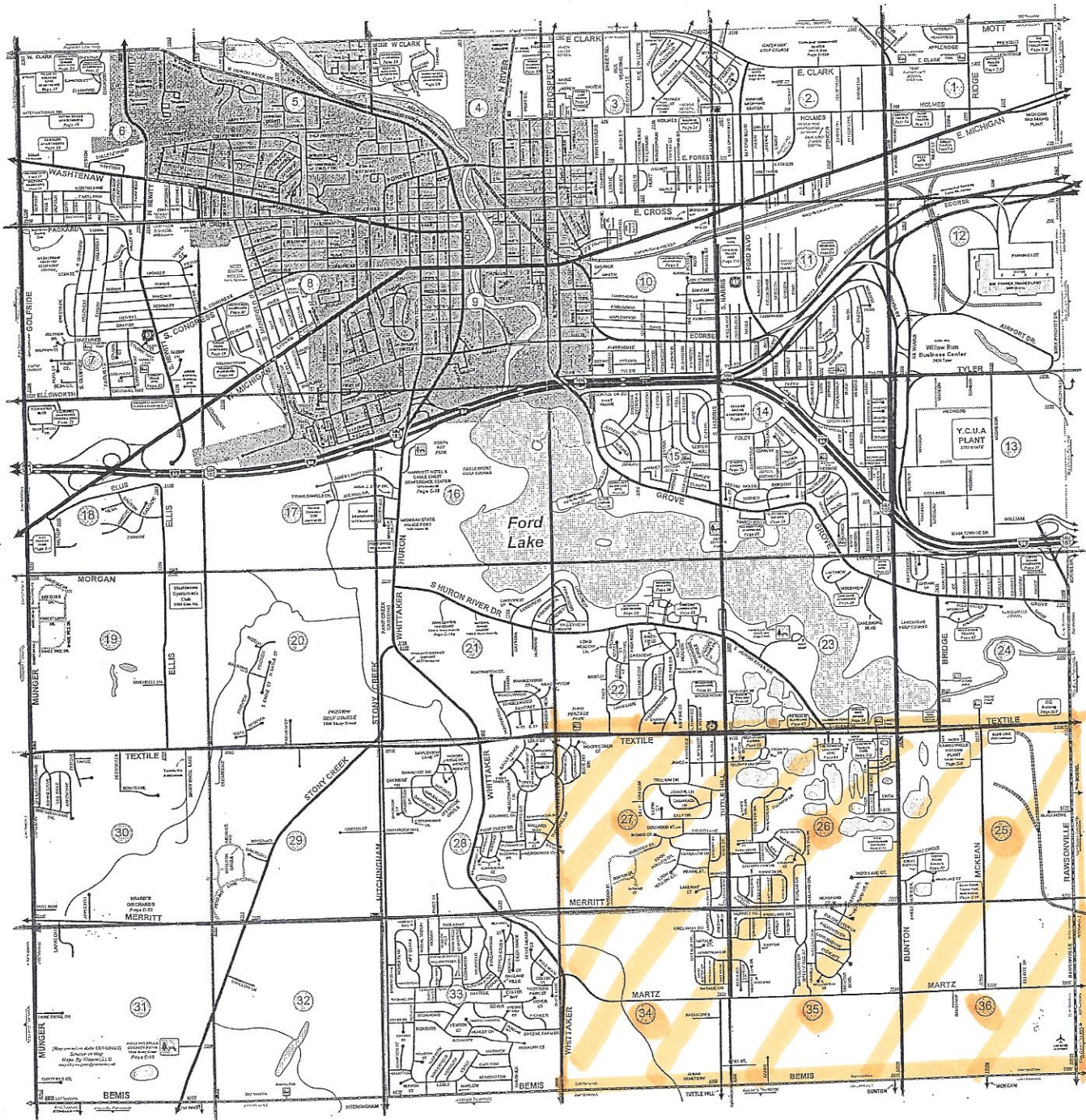
Date: \_\_\_\_\_

*Brenda L. Stumbo*  
 \_\_\_\_\_  
 Brenda Stumbo  
 Ypsilanti Township Supervisor

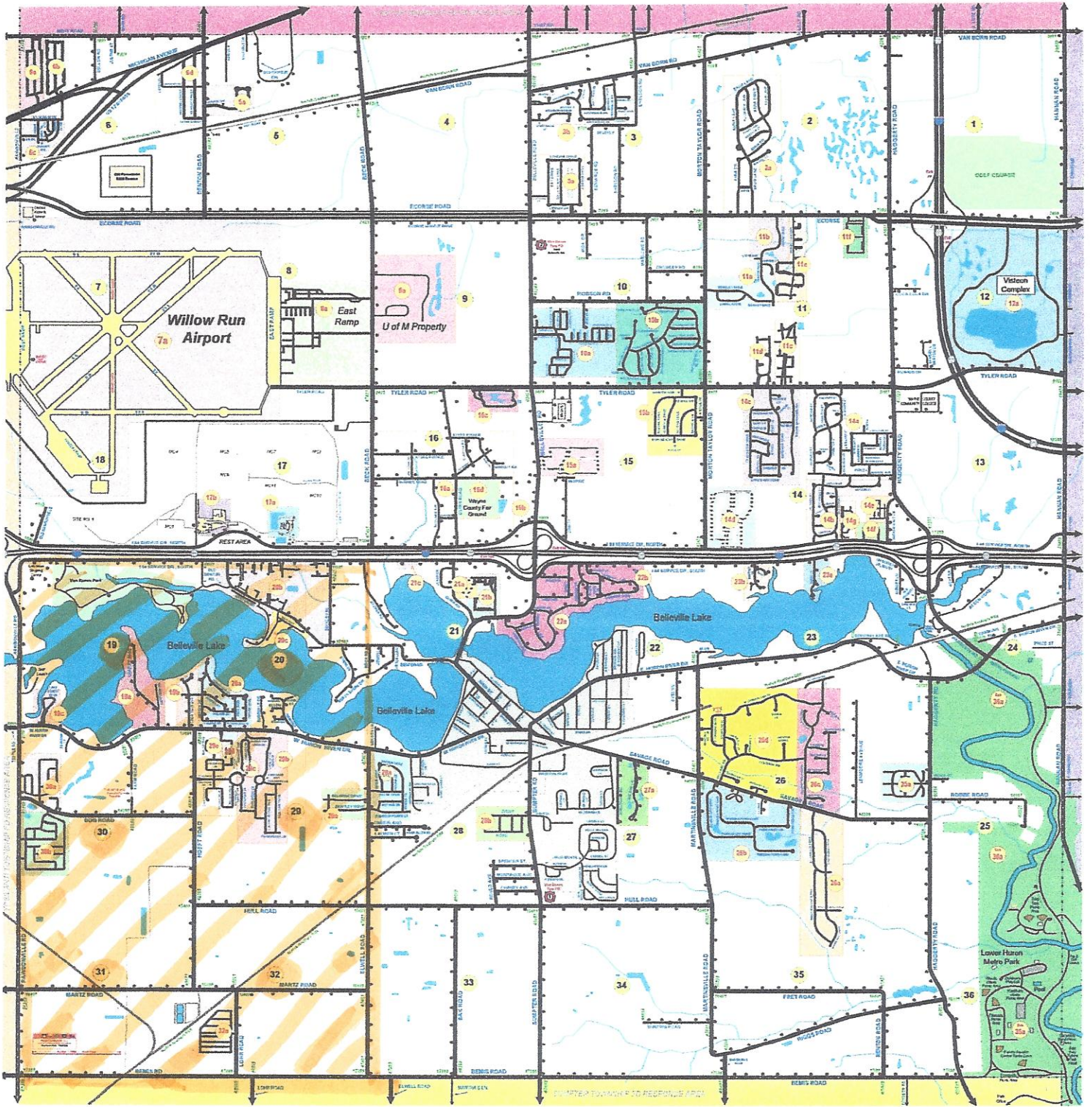
Date: January 21, 2015

*Karen Lovejoy-Roe*  
 \_\_\_\_\_  
 Karen Lovejoy-Roe  
 Ypsilanti Township Clerk

Date: January 21, 2015



Ypsilanti Township map zones 25, 26, 27, 34, 35, & 36



Van Buren map zones 19, 20, 29, 30, 31, & 32



December 10, 2014

Ypsilanti Township  
Attn: Karen Lovejoy Roe  
7200 S Huron River Dr.  
Ypsilanti, MI 48197

Re: Proposed Street Lighting at Hewitt & Burns New Crosswalk Location

I have completed the review of your request for proposed lighting and have prepared a cost estimate for the installation of one streetlight at the intersection of Hewitt & Burns. I am recommending the installation of one 130 watt black LED style luminaire on a 30' black steel davit arm pole. Please see attached sketch.

The costs are based on the Edison Option 1 Streetlight rate, where Detroit Edison installs, owns, and maintains the lighting system. The rate requires a portion of the construction cost be paid by the customer, which is determined by the following formula.

**Hewitt & Burns – 1 fixture on 1 new pole**

Annual operating cost	\$309.23
Cost to construct	\$4,142.44
Minus 3yrs revenue	(\$927.69)
<b>Contribution from Ypsilanti Twp</b>	<b>\$3,214.75</b>

The price quoted shall be in effect for a period of six months from the date of the letter, after which these costs will no longer be valid. After installation the total cost for additional modification, relocation or removal will be the responsibility of the requesting party. Payment of the customer contribution must be made prior to the actual start of construction.

Please contact me for a Street Lighting Purchase Agreement if you would like to proceed with the above installation. If you have questions please call me at 734-397-4188.

Sincerely,

*Lance Alley*

Lance Alley  
Account Manager  
DTE Energy - Community Lighting

**Exhibit A to Master Agreement**

**Purchase Agreement**

This Purchase Agreement (this "Agreement") is dated as of December 10, 2014 between The Detroit Edison Company ("Company") and Ypsilanti Township ("Customer").

This Agreement is a "Purchase Agreement" as referenced in the Master Agreement for Municipal Street Lighting dated March 28, 2013 (the "Master Agreement") between Company and Customer. All of the terms of the Master Agreement are incorporated herein by reference. In the event of an inconsistency between this Agreement and the Master Agreement, the terms of this Agreement shall control.

Customer requests the Company to furnish, install, operate and maintain street lighting equipment as set forth below:

1. DTE Work Order Number:	42124151	
	If this is a conversion or replacement, indicate the Work Order Number for current installed equipment: N/A	
2. Location where Equipment will be installed:	NW corner of Hewitt & Burns in Ypsilanti Township, as more fully described on the map attached hereto as <u>Attachment 1</u> .	
3. Total number of lights to be installed:	1	
4. Description of Equipment to be installed (the " <u>Equipment</u> "):	1 – Overhead fed 130 watt black Autobahn LED mounted on a black Code 06B davit arm steel pole on a foundation.	
5. Estimated Total Annual Lamp Charges	\$309.23	
6. Computation of Contribution in aid of Construction (" <u>CIAC Amount</u> ")	Total estimated construction cost, including labor, materials, and overhead:	\$4,142.44
	Credit for 3 years of lamp charges:	\$927.69
	<b>CIAC Amount (cost minus revenue)</b>	<b>\$3,214.75</b>
7. Payment of CIAC Amount:	Due promptly upon execution of this Agreement	
8. Term of Agreement	5 years. Upon expiration of the initial term, this Agreement shall continue on a month-to-month basis until terminated by mutual written consent of the parties or by either party with thirty (30) days prior written notice to the other party.	
9. Does the requested Customer lighting design meet IESNA recommended practices?	(Check One) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If "No", Customer must sign below and acknowledge that the lighting design does not meet IESNA recommended practices  _____	
10. Customer Address for Notices:	Ypsilanti Township 7200 S Huron River Dr Ypsilanti, MI 48197 Attn: Karen Lovejoy Roe	

11. Special Order Material Terms:

All or a portion of the Equipment consists of special order material: (check one)  YES  NO

If "Yes" is checked, Customer and Company agree to the following additional terms.

A. Customer acknowledges that all or a portion of the Equipment is special order materials ("SOM") and not Company's standard stock. Customer will purchase and stock replacement SOM and spare parts. When replacement equipment or spare parts are installed from Customer's inventory, the Company will credit Customer in the amount of the then current material cost of Company standard street lighting equipment.

B. Customer will maintain an initial inventory of at least N/A posts and N/A luminaires and any other materials agreed to by Company and Customer, and will replenish the stock as the same are drawn from inventory. Costs of initial inventory are included in this Agreement. The Customer agrees to work with the Company to adjust inventory levels from time to time to correspond to actual replacement material needs. If Customer fails to maintain the required inventory, Company, after 30 days' notice to Customer, may (but is not required to) order replacement SOM and Customer will reimburse Company for such costs. Customer's acknowledges that failure to maintain required inventory could result in extended outages due to SOM lead times.

C. The inventory will be stored at \_\_\_\_\_.  
Access to the Customers inventory site must be provided between the hours of 9:00 am to 4:00 pm, Monday through Friday with the exceptions of federal Holidays. Customer shall name an authorized representative to contact regarding inventory: levels, access, usage, transactions, and provide the following contact information to the Company:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

The Customer will notify the Company of any changes in the Authorized Customer Representative. The Customer must comply with SOM manufacturer's recommended inventory storage guidelines and practices. Damaged SOM will not be installed by the Company.

D. In the event that SOM is damaged by a third party, the Company may (but is not required to) pursue a damage claim against such third party for collection of all labor and stock replacement value associated with the damage claim. Company will promptly notify Customer as to whether Company will pursue such claim.

E. In the event that SOM becomes obsolete or no longer manufactured, the Customer will be allowed to select new alternate SOM that is compatible with the Company's existing infrastructure.

F. Should the Customer experience excessive LED equipment failures, not supported by LED manufacturer warrantees, the Company will replace the LED equipment with other Company supported Solid State or High Intensity Discharge luminaires at the Company's discretion. The full cost to complete these replacements to standard street lighting equipment will be the responsibility of the Customer.

12. Experimental Emerging Lighting Technology (“EELT”) Terms:

All or a portion of the Equipment consists of EELT: (check one)  YES  NO

If “Yes” is checked, Customer and Company agree to the following additional terms.

A. The annual billing lamp charges for the EELT equipment has been calculated by the Company are based upon the estimated energy and maintenance cost expected with the Customer’s specific pilot project EELT equipment. .

B. Upon the approval of any future MPSC Option I tariff for EELT street lighting equipment, the approved rate schedules will automatically apply for service continuation to the Customer under Option 1 Municipal Street Lighting Rate, as approved by the MPSC. The terms of this paragraph B replace in its entirety Section 7 of the Master Agreement with respect to any EELT equipment purchased under this Agreement.

\*\*\*\*\*

Company and Customer have executed this Purchase Agreement as of the date first written above.

Company:

Customer:

The Detroit Edison Company

Ypsilanti Township

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

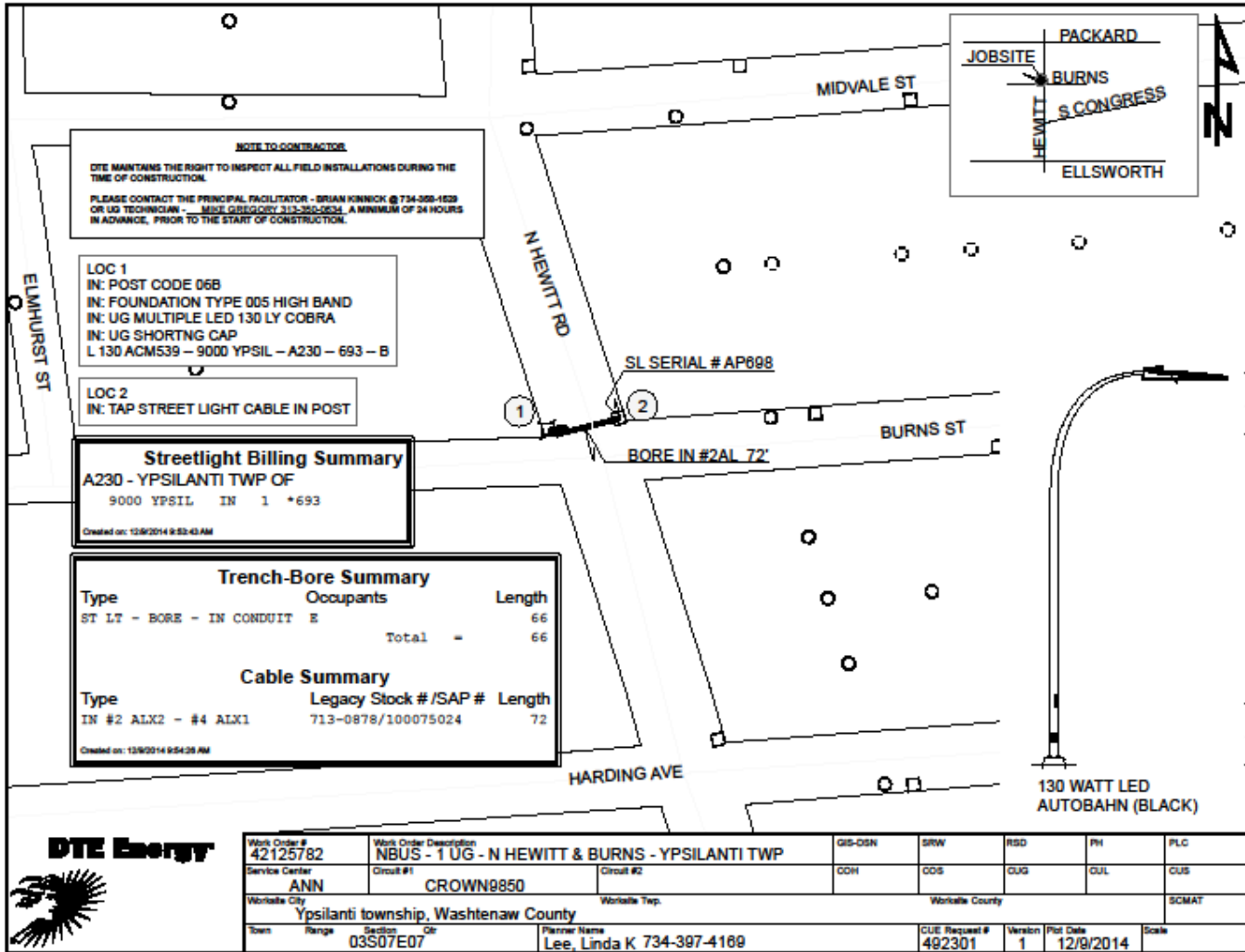
Name: \_\_\_\_\_

Title: \_\_\_\_\_

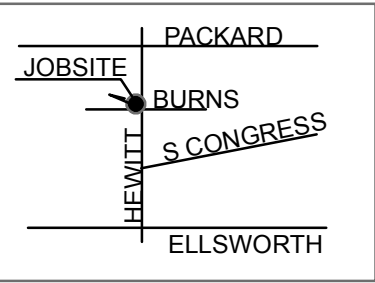
Title: \_\_\_\_\_

Attachment 1 to Purchase Agreement

Map of Location







**NOTE TO CONTRACTOR**  
 DTE MAINTAINS THE RIGHT TO INSPECT ALL FIELD INSTALLATIONS DURING THE TIME OF CONSTRUCTION.  
 PLEASE CONTACT THE PRINCIPAL FACILITATOR - BRIAN KINNICK @ 734-358-1529 OR UG TECHNICIAN - MIKE GREGORY 313-350-0634 A MINIMUM OF 24 HOURS IN ADVANCE, PRIOR TO THE START OF CONSTRUCTION.

**LOC 1**  
 IN: POST CODE 06B  
 IN: FOUNDATION TYPE 005 HIGH BAND  
 IN: UG MULTIPLE LED 130 LY COBRA  
 IN: UG SHORTNG CAP  
 L 130 ACM539 -- 9000 YPSIL -- A230 -- 693 -- B

**LOC 2**  
 IN: TAP STREET LIGHT CABLE IN POST

N HEWITT RD

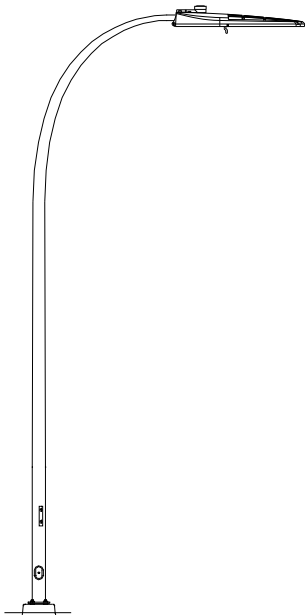
MIDVALE ST

BURNS ST

SL SERIAL # AP698

BORE IN #2AL 72'

HARDING AVE



130 WATT LED AUTOBAHN (BLACK)

ELMHURST ST

**Streetlight Billing Summary**  
 A230 - YPSILANTI TWP OF  
 9000 YPSIL IN 1 \*693  
 Created on: 12/9/2014 9:53:43 AM

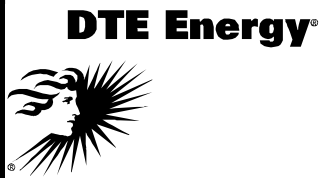
**Trench-Bore Summary**

Type	Occupants	Length
ST LT - BORE - IN CONDUIT E		66
Total =		66

**Cable Summary**

Type	Legacy Stock # /SAP #	Length
IN #2 ALX2 - #4 ALX1	713-0878/100075024	72

Created on: 12/9/2014 9:54:26 AM



Work Order # 42125782	Work Order Description NBUS - 1 UG - N HEWITT & BURNS - YPSILANTI TWP	GIS-DSN	SRW	RSD	PH	PLC	
Service Center ANN	Circuit #1 CROWN9850	Circuit #2	COH	COS	CUG	CUL	
Worksite City Ypsilanti township, Washtenaw County	Worksite Twp.	Worksite County	SCMAT				
Town 03S07E07	Range	Section Qtr	Planner Name Lee, Linda K 734-397-4169	CUE Request # 492301	Version 1	Plot Date 12/9/2014	Scale

*Supervisor*  
BRENDA L. STUMBO  
*Clerk*  
KAREN LOVEJOY ROE  
*Treasurer*  
LARRY J. DOE  
*Trustees*  
JEAN HALL CURRIE  
STAN ELDRIDGE  
MIKE MARTIN  
SCOTT MARTIN



**Office of Community  
Standards**

7200 S. Huron River Drive  
Ypsilanti, MI 48197  
Phone: (734) 485-3943  
Fax: (734) 484-5151  
www.ytown.org

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## **Memorandum**

**To:** Township Board of Trustees  
**Cc:** Lisa Garrett, Deputy Clerk  
**From:** Joe Lawson, Planning Director  
**Date:** January 15, 2015  
**Re:** Right of Way Permit Application – “Metro Act”

---

Please find enclosed a copy of the public right-of-way permit request of KEPS Technologies, Inc. (dba ACD.net and ACD Telecom, Inc.) pursuant to the METRO Act, PA 48 of 2002.

Per section 62-233b of the Township Municipal Code; Upon receiving a completed application, the clerk will advise the township attorney who will draft the appropriate permit or franchise and schedule the matter for consideration by township board of trustees.

The process per the act shall be completed within 45 days from the date the provider files an application. The application is dated December 17, 2014 though the post mark date is December 18, 2014. That being said, the Township is required to act by February 1, 2015.

I have also forwarded a copy of the application to Attorney Winters for his review and recommendation and would further request that this item be placed on the the January 20, 2015 Board agenda for the Board's review and consideration.

One final note, the project calls for the majority of the work to be completed above ground utilizing existing utility poles, though a small portion of the project does call for a direction bore under Ford Boulevard. That being the case, staff recommends that the applicant provide the Township with a surety in the amount of \$5,000.00 to insure the complete restoration of any disturbed area associated with this project. The surety will be refunded upon final inspection and approval of the project area.

If you should have any questions or if I can be of any further assistance, please feel free to contact me.

# CHARTER TOWNSHIP OF YPSILANTI

## OFFICE OF COMMUNITY STANDARDS

Building Safety • Planning & Zoning • Ordinance Enforcement

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January 8, 2015

Wm. Douglas Winters  
McLain & Winters  
61 N Huron  
Ypsilanti, MI 48197

**EXEMPT UNDER FREEDOM OF INFORMATION ACT  
MCL 15.243(13)(G)  
INFORMATION ON OR RECORDS SUBJECT TO ATTORNEY/CLIENT PRIVILEGE**

**Re: METRO Act Application**

Mr. Winters:

Please find enclosed a copy of a METRO Act right-of-way use application provided to this office by KEPS Technology of Lansing Michigan.

Per the application and the METRO Act, the Township has 45 days from the date a provider files the application for the Township to either approve or deny access (MCL 484.3115(3)).

Also per Township Municipal Code section 62-233(b), upon receiving a completed application, the clerk will advise the township attorney who will draft the appropriate permit or franchise and schedule the matter for consideration by township board of trustees.

I have requested that the Clerk's office place this item on the January 20, 2015 meeting agenda for review and consideration. That being said, if you could please review the attached documents in order to offer the Board a recommendation during the January 20<sup>th</sup> meeting, it would be greatly appreciated.

If I can be of any assistance during this process, please feel free to contact me at your convenience.

Sincerely,

*Joe Lawson*

Joe Lawson  
Planning Director

# McLAIN & WINTERS

ATTORNEYS AND COUNSELORS AT LAW

61 N. HURON STREET  
YPSILANTI, MICHIGAN 48197  
(734) 481-1120

DENNIS O. McLAIN  
WM. DOUGLAS WINTERS  
ANGELA B. KING

FAX (734) 481-8909  
[E-MAIL: mcwinlaw@gmail.com](mailto:mcwinlaw@gmail.com)

January 14, 2015

Brenda L. Stumbo, Supervisor  
Karen Lovejoy Roe, Clerk  
Larry Doe, Treasurer  
Charter Township of Ypsilanti  
7200 S. Huron River Drive  
Ypsilanti, Michigan 48197

**Re: *Application for Access to and Ongoing Use of Public Ways by Telecommunication Providers Submitted by KEPS Technologies, Inc. d/b/a ACD.net and ACD Telecom, Inc. (Applicant)***

***Legal Basis: Metropolitan Extension Telecommunication Right-of-way Oversight Act, 2002 PA 48 (the "METRO Act")***

Dear Township Board:

In March of 2002, the Michigan legislature adopted the METRO Act which, essentially, limits the right of municipalities with respect to requests for access to and ongoing usage of the public right-of-way, including public roadways, highways, streets, alleys, easements, and waterways ("publicways") in a municipality for a telecommunications system. The above applicant has submitted an application on the form required as prepared by the Telecommunications Division of the Michigan Public Service Commission. Failure of a municipality to act within 45 days of the submittal of such an application can, according to the law, subject it to potential "draconian" financial penalties. This office, at the time of the adoption of the Act, advised the then Township Board and staff regarding this particular Act.

In response to the passage of the METRO Act, the Township adopted ***Resolution No. 2002-57***, a copy of which is attached for your review and, as appropriate, recollection. As the ***Resolution*** provides, effective **November 1, 2002**, the Charter Township of Ypsilanti, agreed to comply with the METRO Act regarding new applications, permits and right-of-way fees for any telecommunication company seeking permission to use the public right-of-way in the Township. Further, after **December 31, 2003**, the Township agreed to

comply with the METRO Act regarding right-of-way fees for telecommunication companies holding permits as of **October 31, 2002**. The Township further agreed to comply with the limitations of the METRO Act on the payment of franchise fees on cable modem service by cable television operators reserving any rights it may have had to fees due for the period ending **October 31, 2002**. In other words, the Township “opted in” to the provisions of the METRO Act.

Since 2002, the Township should have annually been keeping track of the fees received and submitting an annual report regarding the “use and disposition of funds received under PA 48 of 2002”.

This office, as Township legal counsel, has been asked to review the METRO Act application submitted by KEPS Technologies, Inc. for compliance with the requirements of the METRO Act. The **Resolution** adopted by the Township agreeing to “opt in” to the METRO Act in 2002 voids many of the provisions in **Ordinance No. 2000-252**, particularly *Section 62-233 “Applications for Franchises and Permits”*. Also, the Township is required to use and accept the forms as prepared by the Telecommunications Division of the Michigan Public Service Commission. In fact, I have confirmed that that Township Treasurer’s office has been annually submitting the report required by the Act as to the use and disposition of funds received. The Township receives funds back from the State each year based on usage.

In accordance with the applicable statute, a municipality in reviewing and approving an application may continue to protect the health, safety, and welfare of the public. Conditions on approval of a permit must pertain only to the providers’ access to and usage of a public right-of-way. Municipalities may require the applicant to post a bond not exceeding the reasonable cost of returning the public right-of-way to its original condition. I have spoken with Planning Director Joseph Lawson regarding this condition, but I do not know that there are any figures available to determine what a “reasonable amount” might be by way of a bond. Perhaps the applicant will be available to discuss this issue. Joe indicates most of the facilities are going to be above ground along existing facilities (poles, etc.). However, there is one area where they will need to boar under Ford Boulevard. Again, the fees paid by the applicant will go directly to the METRO Act oversight authority that, annually, rebates a portion back to the Township.

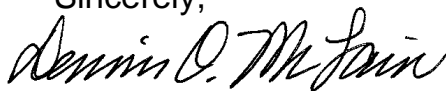
Township legal counsel has reviewed the application and its attachments and finds them in order to be acted upon. The Township Board should condition approval on the posting of a bond in a reasonable amount “not exceeding the reasonable cost of returning the public right-of-way to its original condition”. Also,

Township Board  
Re: METRO Act  
January 14, 2015  
Page 3 of 3

the proposed ***Certificate of Liability Insurance*** should contain the usual language adding the Township Board, etc. as an additional insured.

As always, please feel free to contact this office if there are any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis O. McLain". The signature is written in a cursive, flowing style.

Dennis O. McLain

/ta

Enclosure

cc: Trustees  
Mike Radzik  
Dave Bellers  
Joe Lawson  
Bill Elling  
Jill Kulhanek  
Wm. Douglas Winters

## **DIVISION 1. GENERALLY**

### **Sec. 62-230. Right-of-way permit requirement.**

No person, partnership, association or corporation, public or private, operating a public utility may use the highways, streets, alleys or other public places in the Charter Township of Ypsilanti (Township) for wires, poles, pipes, tracks, conduits or other utility facilities without the consent of the township.

(Ord. No. 2000-252, § 1, 10-17-00)

### **Sec. 62-231. Franchise requirement.**

No person, partnership, association or corporation, public or private, operating a public utility may transact local business in the township, without first obtaining a franchise from the township. Competitive suppliers of natural gas or electricity with customers in the township shall first obtain a franchise from the township. A public utility providing transmission or distribution services to any person, partnership, association or corporation, public or private, offering any public utility, natural gas or electric supply service to customers in the township shall promptly notify the township clerk in writing of the name and address of such person, partnership, association or corporation.

(Ord. No. 2000-252, § 1, 10-17-00)

### **Sec. 62-232. Telecommunication permit requirement.**

Providers of telecommunications services using the highways, streets, alleys, or other public places in the township shall obtain a permit from the township as required by Section 254 of Act. No. 179 of the Public Acts of 1991, as amended. It is unlawful to accept any telecommunications services from a provider of telecommunications services using the highways, streets, alleys or other public places in the township which does not have a permit from the township.

(Ord. No. 2000-252, § 1, 10-17-00)

### **Sec. 62-233. Applications for franchises and permits.**

- (a) Applications for permits and franchises under this chapter shall be made to the township clerk on a form prepared by the clerk. Applications for a right-of-way permit under section 62-230 shall require the payment of a nonrefundable application fee of \$2,500.00. Applications for a franchise under section 62-231 shall require the payment of a nonrefundable application fee of \$10,000.00. Applicants for a telecommunications permit under section 62-232 shall pay a fee not exceeding the fixed and variable costs to the township in granting a permit by depositing with the clerk a refundable application fee of \$5,000.00. The clerk will keep a record of the fixed and variable costs to the township in each case and render a refund or an invoice to the applicant.
- (b) Upon receiving a completed application, the clerk will advise the township attorney who will draft the appropriate permit or franchise and schedule the matter for consideration

by township board of trustees.

(Ord. No. 2000-252, § 1, 10-17-00)

**Sec. 62-234. Permits and franchises--generally.**

- (a) A right-of-way permit under section 62-230 will contain such terms and conditions as deemed appropriate by the township attorney and the community and economic development director. The township board of trustees may require payment of an annual right-of-way fee determined by resolution from time to time. A right-of-way permit is revocable at will by the township and may be issued for a term not exceeding 30 years.
- (b) A franchise under section 62-231 will contain such terms and conditions as deemed appropriate by the township attorney and community and economic development director. The township board of trustees may require payment of a franchise fee. Unless submitted to the voters and approved by a three-fifths majority, franchises are revocable at will by the township. Franchises may be issued for a term not exceeding 30 years.
- (c) The township board of trustees will approve or deny a permit under section 62-232 within 90 days from the date a provider files an application. A permit under section 62-232 will contain such terms and conditions as deemed appropriate by the township attorney and community and economic development director. The township board of trustees may require payment of a permit fee not exceeding the fixed and variable costs to the township of maintaining the rights-of-way, easements and other public places used by a provider. The township may require as a condition of a permit under section 62-232 that a bond be posted by a provider of telecommunication services to ensure that the right-of-way, easements and other public place used by a provider are returned to their original condition during and after a provider's access and use.
- (d) In the event that a holder of a permit or franchise (or any subsidiary, affiliate or other related company) pays a fee, charge, or other payment of any kind on a periodic basis (i.e., monthly, quarterly, annually) to any municipality in the State of Michigan which is higher or in addition to any fees or charges set forth in a permit or franchise with the township, the holder of a permit or franchise shall notify the township in writing of the details of such other arrangement within 60 days of its effective date. A one-time charge prior to and for the installation of a new service shall not be considered a periodic fee unless the charge is unreasonably higher than that paid to other municipalities. Upon receipt by the township of such notice, a revocable permit or franchise may be revoked upon notice from the township. As a condition for a new permit or franchise, the township may require payment of a similar fee or charge as provided to the third party.
- (e) A person, partnership, association or corporation granted a permit or franchise under this chapter shall obtain all other necessary permits or approvals for construction, maintenance and operation in the township.

(Ord. No. 2000-252, § 1, 10-17-00)

Secs. 62-235--62-244. Reserved.



## **RESOLUTION NO. 2002-57**

**WHEREAS**, The Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No.48 of the Public Acts of 2002, ("Metro Act") regulates the granting of permits by municipalities to telecommunications companies seeking permission to install lines and other facilities in the public right-of-way effective November 1, 2002; and

**WHEREAS**, The Metro Act will require municipalities to use application and permit forms approved by the Michigan Public Service Commission for new telecommunications companies. The Metro Act also limits fees which can be charged by municipalities to telecommunications companies for an application, permit, construction plan review or inspection and prohibits the enforcement of cable television franchises requiring payment of franchise fees on cable modem high-speed Internet service; and

**WHEREAS**, Within six months of the effective date, all telecommunications companies, including Ameritech and Verizon, will be required to file applications and obtain permits in all municipalities where they are using the public right-of-way. Beginning April 29, 2003, they will be required to and pay an annual standardized right-of-way maintenance fee to a statewide authority for distribution only to those municipalities complying with Metro Act's limitation on fees; and

**WHEREAS**, A Municipality is considered to be complying with the Act's limitation on fees if it adopts a resolution or ordinance, as necessary, effective no later than December 31, 2003, modifying fees due from telecommunications companies and provides each company with a copy of the resolution or ordinance.

**NOW THEREFORE,**

**BE IT THEREFORE RESOLVED,**

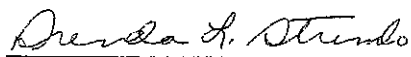
1. Effective November 1, 2002, the Charter Township of Ypsilanti will comply with Metro Act regarding new applications, permits and right-of-way fees for any telecommunications companies seeking permission to use public right-of-way in the Township.

2. Effective December 31, 2003, the Charter Township of Ypsilanti will comply with Metro Act regarding right-of-way fees for any telecommunications companies holding permits to use public right-of-way in the Township as of October 31, 2002.

3. The Charter Township of Ypsilanti will comply with the limitation of Metro Act on the payment of franchise fees on cable modem service by cable television operators reserving any rights it may have to fees due for the period ending October 31, 2002.

4. The Charter Township Clerk is directed to send a copy of this Resolution and any ordinance amendments necessary to comply with the Metro Act to Robert Tuttle, Jr., Director of the Metro Act Authority, each cable television operator and telecommunications provider in the Township.

I, Brenda L. Stumbo, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan, hereby certify the above resolution is a true and exact copy of Resolution No. 2002-57 approved by the Charter Township of Ypsilanti Board of Trustees assembled at a regular meeting held on December 17, 2002.



---

Brenda L. Stumbo, Clerk  
Charter Township of Ypsilanti

METRO Act Permit Application Form  
Revised April 6, 2012

**Ypsilanti Charter Township**

Name of Local Unit of Government

APPLICATION FOR  
ACCESS TO AND ONGOING USE OF PUBLIC WAYS BY  
TELECOMMUNICATIONS PROVIDERS  
UNDER  
METROPOLITAN EXTENSION TELECOMMUNICATIONS  
RIGHTS-OF-WAY OVERSIGHT ACT  
2002 PA 48  
MCL SECTIONS 484.3101 TO 484.3120

BY

KEPS Technologies, Inc. dba ACD.net and ACD Telecom, Inc.  
("APPLICANT")

**Unfamiliar with METRO Act?--Assistance:** Municipalities unfamiliar with Michigan Metropolitan Extension Telecommunications Rights-of-Way Oversight Act ("METRO Act") permits for telecommunications providers should seek assistance, such as by contacting the Telecommunications Division of the Michigan Public Service Commission at 517-241-6200 or via its web site at [http://www.michigan.gov/mpsc/0,4639,7-159-16372\\_22707---,00.html](http://www.michigan.gov/mpsc/0,4639,7-159-16372_22707---,00.html).

**45 Days to Act—Fines for Failure to Act:** The METRO Act states that "A municipality shall approve or deny access under this section within 45 days from the date a provider files an application for a permit for access to a public right-of-way." MCL 484.3115(3). The Michigan Public Service Commission can impose fines of up to \$40,000 per day for violations of the METRO Act. It has imposed fines under the Michigan Telecommunications Act where it found providers or municipalities violated the statute.

**Where to File:** Applicants should file copies as follows [municipalities should adapt as appropriate—unless otherwise specified service should be as follows]:

- Three (3) copies (one of which shall be marked and designated as the master copy) with Bldg Dept. 7200 S. Huron River Dr, Ypsilanti, MI 48197

MASTER

# Ypsilanti Charter Township

Name of local unit of government

## APPLICATION FOR ACCESS TO AND ONGOING USE OF PUBLIC WAYS BY TELECOMMUNICATIONS PROVIDERS

By  
KEPS Technologies, Inc. dba ACD.net and ACD Telecom, Inc.  
("APPLICANT")

*This is an application pursuant to Sections 5 and 6 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48 (the "METRO Act") for access to and ongoing usage of the public right-of-way, including public roadways, highways, streets, alleys, easements, and waterways ("Public Ways") in the Municipality for a telecommunications system. The METRO Act states that "A municipality shall approve or deny access under this section within 45 days from the date a provider files an application for a permit for access to a public right-of-way." MCL 484.3115(3).*

*This application must be accompanied by a one-time application fee of \$500, unless the applicant is exempt from this requirement under Section 5(3) of the METRO Act, MCL 484.3105(3).*

---

### 1 GENERAL INFORMATION:

1.1 Date: 12.17.2014

1.2 Applicant's legal name: KEPS Technologies, Inc.  
Mailing Address: ACD.net  
1800 N. Grand River Ave.  
Lansing, MI 48906

Telephone Number: (517) 999-3213  
Fax Number: (517) 999-3993  
Corporate website: http://www.acd.net/

Name and title of Applicant's local manager (and if different) contact person regarding this application:

Phil Brown, OSP Engineer  
Mailing Address: ACD.net  
1800 N. Grand River Ave.  
Lansing, MI 48906

Telephone Number: (517) 999-3213  
Fax Number: (517)999-3993  
E-mail Address: brown.phil@acd.net

1.3 Type of Entity: (Check one of the following)

- Corporation
- General Partnership
- Limited Partnership
- Limited Liability Company
- Individual
- Other, please describe: \_\_\_\_\_

1.4 Assumed name for doing business, if any: ACD.net and ACD Telecom, Inc

1.5 Description of Entity: **Competitive Local Exchange Carrier**

1.5.1 Jurisdiction of incorporation/formation; **Michigan**

1.5.2 Date of incorporation/formation; **1987**

1.5.3 If a subsidiary, name of ultimate parent company;

1.5.4 Chairperson, President/CEO, Secretary and Treasurer (and equivalent officials for non-corporate entities).

**CEO Kevin Schoen**  
**President Steve Schoen**  
**CFO Kirk Shewchuck**

1.6 Attach copies of Applicant's most recent annual report (with state ID number) filed with the Michigan Department of Licensing and Regulatory Affairs and certificate of good standing with the State of Michigan. For entities in existence for less than one year and for non-corporate entities, provide equivalent information.

(See Exhibit E & F)

1.7 Is Applicant aware of any present or potential conflicts of interest between Applicant and Municipality? If yes, describe: NO

1.8 In the past three (3) years, has Applicant had a permit to install telecommunications facilities in the public right of way revoked by any Michigan municipality?

Circle: Yes   NO

*If "yes," please describe the circumstances.*

1.9 In the past three (3) years, has an adverse finding been made or an adverse final action been taken by any Michigan court or administrative body against Applicant under any law or regulation related to the following:

1.9.1 A felony;   NO

1.9.2 A revocation or suspension of any authorization (including cable franchises) to provide telecommunications or video programming services?

Circle: Yes  NO

*If "yes," please attach a full description of the parties and matters involved, including an identification of the court or administrative body and any proceedings (by dates and file numbers, if applicable), and the disposition of such proceedings.*

1.10 [If Applicant has been granted and currently holds a license to provide basic local exchange service, no financial information needs to be supplied.] If publicly held, provide Applicant's most recent financial statements. If financial statements of a parent company of Applicant (or other affiliate of Applicant) are provided in lieu of those of Applicant, please explain.

1.10.1 If privately held, and if Municipality requests the information within 10 days of the date of this Application, the Applicant and the Municipality should make arrangements for the Municipality to review the financial statements.

*If no financial statements are provided, please explain and provide particulars.*

**Per Section 1.9 KEPS Technologies Inc. dba ACD.net and ACD Telecom, Inc. currently holds a Local Exchange License as a Competitive Local Exchange Carrier.**

## **2 DESCRIPTION OF PROJECT:**

2.1 Provide a copy of authorizations, if applicable, Applicant holds to provide telecommunications services in Municipality. If no authorizations are applicable, please explain.

**KEPS currently holds a CELC License (See Exhibit G)**

2.2 Describe in plain English how Municipality should describe to the public the telecommunications services to be provided by Applicant and the telecommunications facilities to be installed by Applicant in the Public Ways.

**ACD.net is installing fiber optic cable to provide high speed communications and/or Distributed Antenna Systems**

2.3 Attach route maps showing the location (including whether overhead or underground) of Applicant's existing and proposed facilities in the public right-of-way. To the extent known, please identify the side of the street on which the facilities will be located. (If construction approval is sought at this time, provide engineering drawings, if available, showing location and depth, if applicable, of facilities to be installed in the public right-of-way).

**(Attached as Exhibit C)**

2.4 Please provide an anticipated or actual construction schedule.

**(Attached as Exhibit B)**

2.5 Please list all organizations and entities which will have any ownership interest in the facilities proposed to be installed in the Public Ways.

**KEPS Technologies Inc. dba ACD.net and ACD Telecom, Inc.**

2.6 Who will be responsible for maintaining the facilities Applicant places in the Public Ways and how are they to be promptly contacted? If Applicant's facilities are to be installed on or in existing facilities in the Public Ways of existing public utilities or incumbent telecommunications providers, describe the facilities to be used, and provide verification of their consent to such usage by Applicant. **KEPS Technologies Inc. dba ACD.net and ACD Telecom, Inc.**

### **3 TELECOMMUNICATION PROVIDER ADMINISTRATIVE MATTERS:**

*Please provide the following or attach an appropriate exhibit.*

- 3.1 Address of Applicant's nearest local office;  
(See Exhibit A section 3.1)
- 3.2 Location of all records and engineering drawings, if not at local office;  
(See Exhibit A section 3.3.1)
- 3.3 Names, titles, addresses, e-mail addresses and telephone numbers of contact person(s) for Applicant's engineer or engineers and their responsibilities for the telecommunications system;  
(See Exhibit A section 3.3.3)
- 3.4 Provide evidence of self-insurance or a certificate of insurance showing Applicant's insurance coverage, carrier and limits of liability for the following:  
(See Exhibit D)
  - 3.4.1 Worker's compensation;
  - 3.4.2 Commercial general liability, including at least:
    - 3.4.2.1 Combined overall limits;
    - 3.4.2.2 Combined single limit for each occurrence of bodily injury;
    - 3.4.2.3 Personal injury;
    - 3.4.2.4 Property damage;
    - 3.4.2.5 Blanket contractual liability for written contracts, products, and completed operations;
    - 3.4.2.6 Independent contractor liability;
    - 3.4.2.7 For any non-aerial installations, coverage for property damage from perils of explosives, collapse, or damage to underground utilities (known as XCU coverage);
    - 3.4.2.8 Environmental contamination;
  - 3.4.3 Automobile liability covering all owned, hired, and non-owned vehicles used by Applicant, its employee, or agents.

3.5 Names of all anticipated contractors and subcontractors involved in the construction, maintenance and operation of Applicant's facilities in the Public Ways.

**RC Directional Boring**

**Contact Person: Ron Musial Jr.**

**Phone Number: (517) 545-4887**

**Fax Number: (517) 545-0518**

**Cell Number: (517) 404-7707**

**Address: 2000 Country Farm Rd.  
Howell, MI. 48843**




**4 CERTIFICATION:**

*All the statements made in the application and attached exhibits are true and correct to the best of my knowledge and belief.*

**KEPS Technologies Inc. dba ACD.net and ACD Telecom, Inc**

**12-17-2014**

Date

By: 

Print name: Kirk Shewchuck

Title: CFO

S:\metroapplicationform.doc

# KEPS Technology Contact Exhibit A

---

## **Section 3.1**

KEPS Technology dba ACD.net and ACD Telecom, Inc. Michigan 1800 N. Grand River Avenue Lansing MI 48906

### **Section 3.3.1 Permittee's contact person**

Phil Brown, 1800 N. Grand River Avenue, Lansing, Michigan 48906. Phone: (517)999-3213 Fax: (517)999-3993 Email: [brown.phil@acd.net](mailto:brown.phil@acd.net)

### **Section 3.3.1 Engineering drawings, and As-built plans and related records**

OSP Engineer Phil Brown

1800 N. Grand River Avenue Lansing Michigan 48906

Phone: (517)999-3213

Fax: (517)999-3993

Email: [brown.phil@acd.net](mailto:brown.phil@acd.net)

### **Section 3.3.3 Engineering Contact**

Russell Allswede, 1800 N. Grand River Avenue, Lansing, Michigan 48906. Phone: (517)899-5609 Fax: (517)999-3993 Email: Allswede. [Russell@acd.net](mailto:Russell@acd.net)

### **Section 3.3.4 Construction & Engineering Contact Person**

Russell Allswede Directory of Operations

1800 N. Grand River Avenue Lansing Michigan 48906

Phone: (517)899-5609

Fax: (517)999-3993

Email: Allswede. [Russell@acd.net](mailto:Russell@acd.net)

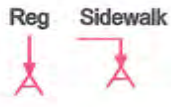
### **Section 3.1.5 Emergency contact number with 24 hour availability**

(517)999-9999 option #1

## **Exhibit B**

The anticipated construction schedule for this will be set for January 26<sup>th</sup> 2015 through March 1<sup>st</sup> 2015. This date varies considering and contingent upon many variables such as approval of pole attachment permits, Make Ready adjustments, MDOT permitting, and other required County; Township; or City permitting, as well as weather.

Proposed Anchor  
Distance from Pole and  
Direction



Proposed ACD  
Communications Pole



Proposed ACD NON  
Communications Pole



Proposed Bore Pit  
Location



Bore Pit  
3'X2'X36"

Centerline Marker



Use of Double Dead End



Down Ground



Fiber Count with  
Segment Number



Fiber Route Description

Project Name:  
Segment Name:  
Route Footage:  
Fiber Footage:  
Segment ID:  
NOTES:



Fire Hydrant



Six way Splice Case



Four way Splice Case



Three way Splice Case



Two way Splice Case



Foreign Pole Indicator



NON Transformer Joint  
Use Pole



Transformer Joint Use  
Pole



Man Hole Cover



Make Ready Symbol  
with attachment and sag  
Hights



Over Head Guy Marker



Pole Number Marker



Proposed Riser



TRS Section Corner



Segment Header  
describing a segment of  
a project



Storage Loop, Storage  
footage and Segment



Pole Span Length and  
Segment ID

100'

Storm Drain



Street Light



Fiber Termination Point  
Marker



Communications Tower



Tree and Type  
Description



Type:  
Width:  
Height:  
Trunk:

Underground Notes

UG NOTES:  
1) 1 (ONE) 1 1/4" HOPE CONDUIT  
TO BE BURIED.  
2) CONDUIT TO BE BURIED  
FEET FROM CENTERLINE  
OF ROAD.  
3) CONDUIT TO BE BURIED AT  
MINIMUM DEPTH.  
4) TYPICAL BORE CROSS-SECTION:

Unused Pole



Unused Transformer  
Pole



ACD Proposed Vault



Proposed ACD Grade  
Level Vault  
24" X 36" X 24"

Generator with Regen  
Hut



Location Address



Foliage



Rail Road Tracks



Proposed Underground  
Fiber



Right Of Way Boundry



Side Walk and Drive  
way



Fiber Design Line



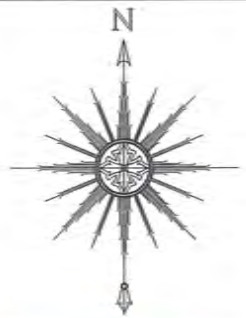
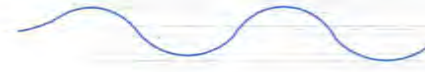
Aerial Fiber



Center Line



Water Boundry



ACD.net  
517-999-9999

1800 Grand River Ave  
Lansing MI 48906

**PROPRIETARY  
INFORMATION NOT FOR  
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re-create, or distribute the plans or the information  
contained therein, either directly or indirectly, to other  
entities or individuals without written or express  
permission from ACD.NET

**DRAWING DISCLAIMER**  
Facility Locations are general in nature, ACD.NET will  
not be held accountable for the accuracy of the  
information provided on these drawings.  
Contact the Local ONE CALL AGENCY 72 HOURS  
PRIOR TO CONSTRUCTION FOR EXACT UTILITY  
LOCATIONS AT:  
MISS DIG  
1-800-482-7171

Project Manager

CAD Engineer

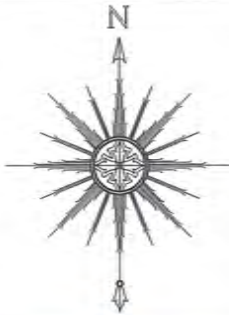
Permitting Engineer

Surveyor

**SYMBOL SHEET**

SCALE: 1" = 200'	TRS:			
COUNTY:	TOWNSHIP:	CITY:	PROJECT ID:	CUSTOMER NUMBER:





**ACD.net**  
517-999-9999

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Lansing MI 48906

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1-800-482-7171

**Project Manager**

Josh

**CAD Engineer**

Josh

**Permitting Engineer**

SarahAnn

**Surveyor**

**Revisions**

REV #	DESCRIPTION	BY	DATE
1	Final Road Design		12/17/14

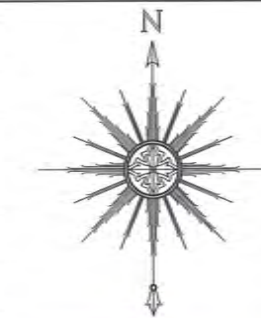
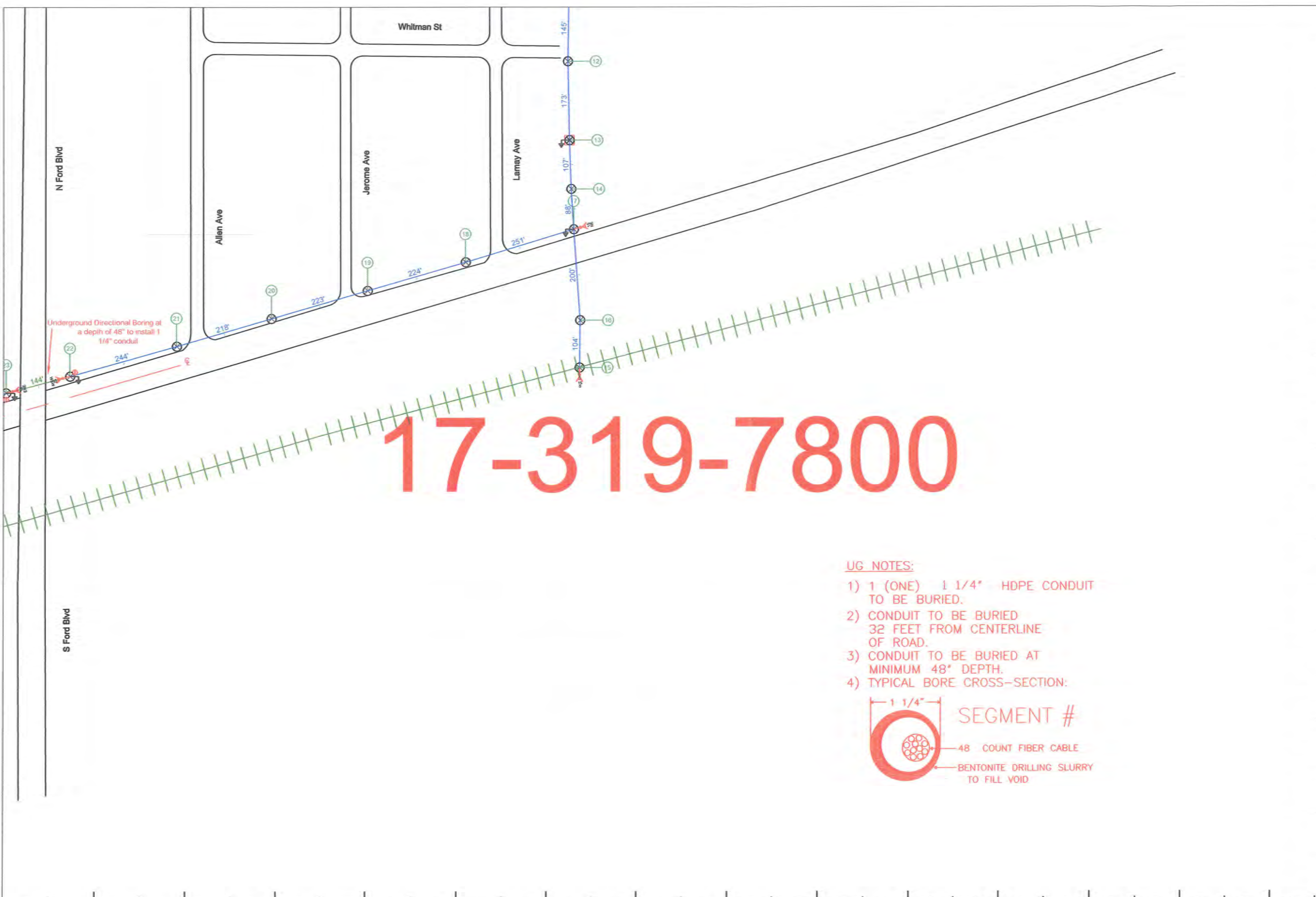
**Exhibit:** N/A

17-319-7801



Remarks:			
SCALE: 1" = 200'	TRS:		
COUNTY: Washtenaw	TOWNSHIP: Ypsilanti Charter TWP	CITY: Ypsilanti	PROJECT ID:
			CUSTOMER NUMBER: 42456

17-318-7801	17-319-7802	17-320-7801
	17-319-7801	
	17-319-7800	



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517-999-9999

1800 Grand River Ave  
Lansing MI 48906

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MISS DIG  
1-800-482-7171

**Project Manager**

Josh

**CAD Engineer**

Josh

**Permitting Engineer**

SarahAnn

**Surveyor**

**Revisions**

REV #	DESCRIPTION	BY	DATE
1	First Route Design		12/17/14

17-319-7800

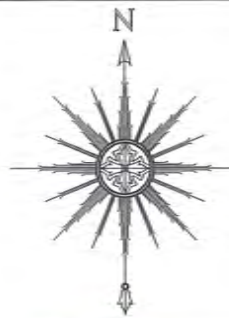
UG NOTES:

- 1) 1 (ONE) 1 1/4" HDPE CONDUIT TO BE BURIED.
- 2) CONDUIT TO BE BURIED 32 FEET FROM CENTERLINE OF ROAD.
- 3) CONDUIT TO BE BURIED AT MINIMUM 48" DEPTH.
- 4) TYPICAL BORE CROSS-SECTION:



Remarks:			
SCALE: 1" = 200'	TRS:		
COUNTY: Washtenaw	TOWNSHIP: Ypsilanti Charter TWP	CITY: Ypsilanti	PROJECT ID:
			CUSTOMER NUMBER: 42456

17-318-7800	Exhibit: N/A	17-319-7801	17-320-7800
		17-319-7800	
		17-319-7799	



**ACD.net**  
517-999-9999

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Lansing MI 48906

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MISS DIG  
1-800-482-7171

**Project Manager**

Josh

**CAD Engineer**

Josh

**Permitting Engineer**

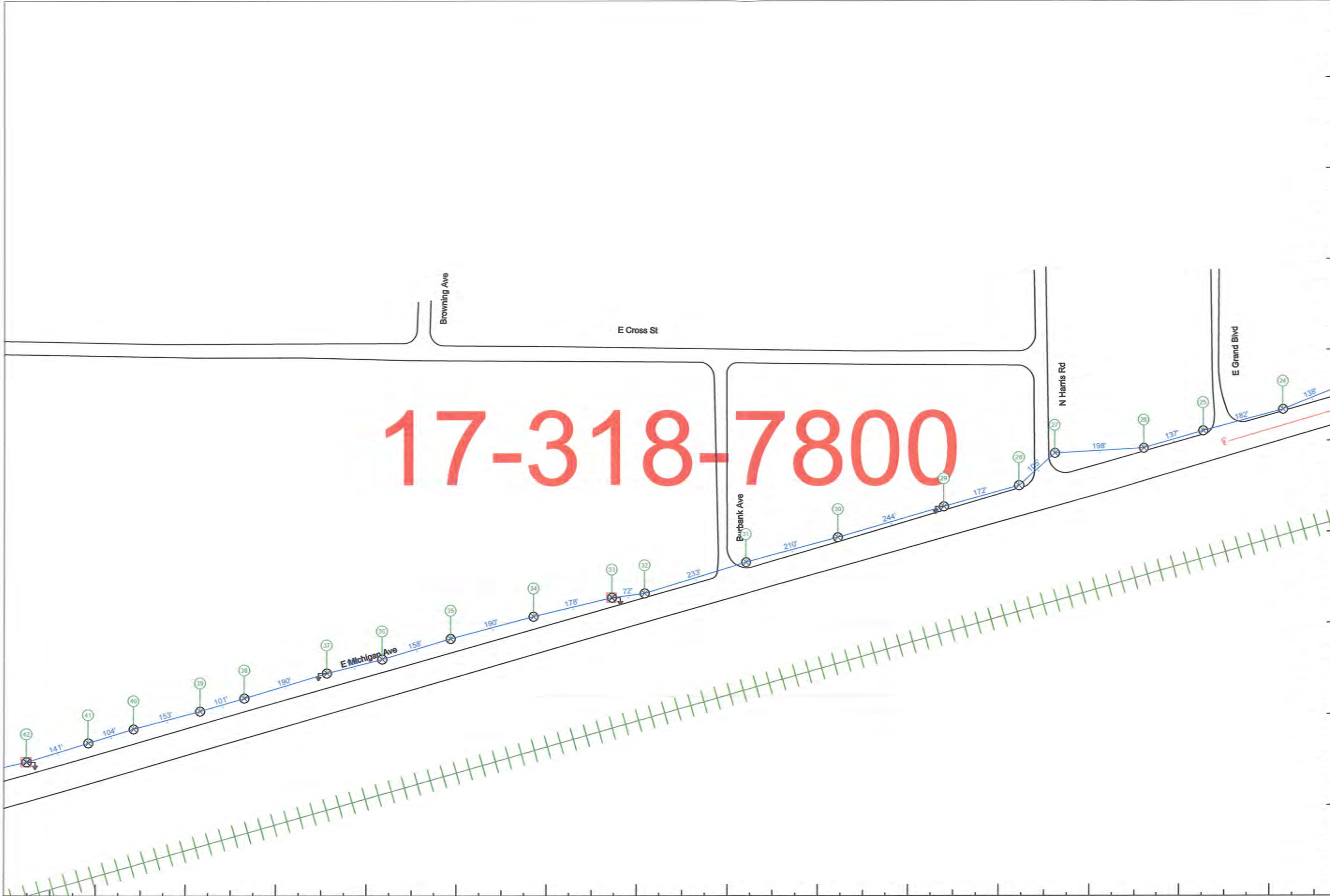
SarahAnn

**Surveyor**

**Revisions**

REV #	DESCRIPTION	BY	DATE
1	First Rough Design		12/17/14

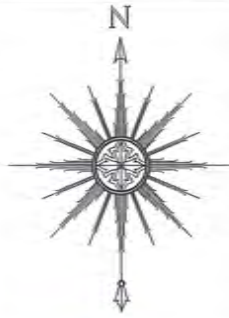
**Exhibit:** N/A



Remarks:			
SCALE: 1" = 200'	TRS:		
COUNTY: Washtenaw	TOWNSHIP: Ypsilanti Charter TWP	CITY: Ypsilanti	PROJECT ID:
			CUSTOMER NUMBER: 42456

17-317-7800	17-318-7801	17-318-7800	17-319-7800
	17-318-7799		





**ACD.net**  
517-999-9999

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Lansing MI 48906

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**Project Manager**

Josh

**CAD Engineer**

Josh

**Permitting Engineer**

SarahAnn

**Surveyor**

**Revisions**

REV #	DESCRIPTION	BY	DATE
1	Final Route Design		12/17/14

**Exhibit: N/A**

17-317-7800

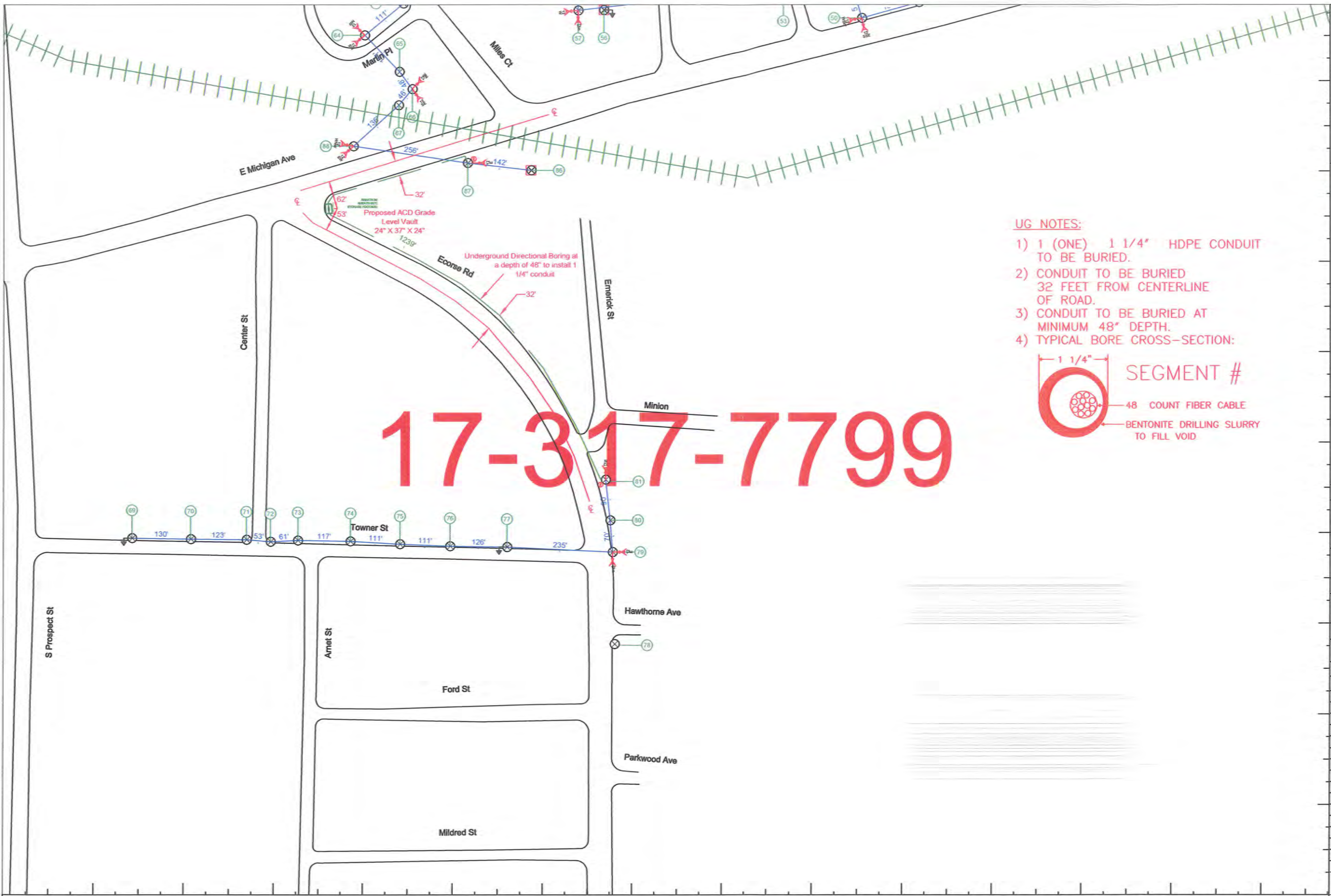


Remarks:			
SCALE: 1" = 200'	TRS:		
COUNTY: Washtenaw	TOWNSHIP: Ypsilanti Charter TWP	CITY: Ypsilanti	PROJECT ID:
			CUSTOMER NUMBER: 42456

17-316-7800

17-317-7801  
17-317-7800  
17-317-7799

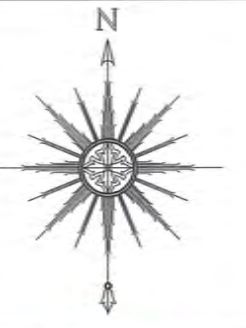
17-318-7800



17-317-7799

**UG NOTES:**

- 1) 1 (ONE) 1 1/4" HDPE CONDUIT TO BE BURIED.
- 2) CONDUIT TO BE BURIED 32 FEET FROM CENTERLINE OF ROAD.
- 3) CONDUIT TO BE BURIED AT MINIMUM 48" DEPTH.
- 4) TYPICAL BORE CROSS-SECTION:



**ACD.net**  
517-999-9999

1800 Grand River Ave  
Lansing MI 48906

**PROPRIETARY INFORMATION NOT FOR DISCLOSURE**  
This Set of Plans contains confidential or proprietary information, and the recipient must not disclose, copy, re-create, or distribute the plans or the information contained therein, either directly or indirectly, to other entities or individuals without written or express permission from ACD.NET

**DRAWING DISCLAIMER**  
Facility Locations are general in nature, ACD.NET will not be held accountable for the accuracy of the information provided on these drawings. Contact the Local ONE CALL AGENCY 72 HOURS PRIOR TO CONSTRUCTION FOR EXACT UTILITY LOCATIONS AT:  
MISS DIG  
1-800-482-7171

**Project Manager**  
Josh

**CAD Engineer**  
Josh

**Permitting Engineer**  
SarahAnn

**Surveyor**

**Revisions**

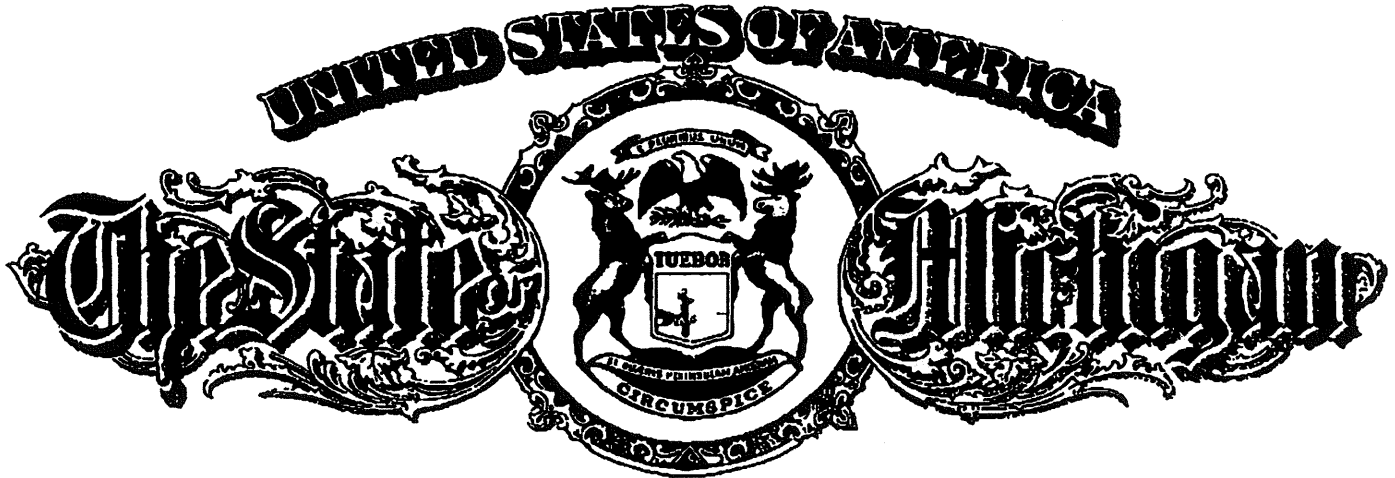
REV #	DESCRIPTION	BY	DATE
1	First Road Design		12/17/14

**Exhibit:** N/A

Remarks:			
SCALE: 1" = 200'	TRS:		
COUNTY: Washtenaw	TOWNSHIP: Ypsilanti Charter TWP	CITY: Ypsilanti	PROJECT ID:
			CUSTOMER NUMBER: 42456

17-316-7799      17-317-7800      17-318-7799  
 17-317-7799  
 17-317-7798





**Department of Licensing and Regulatory Affairs**

**Lansing, Michigan**

*This is to Certify That*

**KEPS TECHNOLOGIES, INC.**

*was validly incorporated on February 14, 1991, as a Michigan profit corporation, and said corporation is validly in existence under the laws of this state.*

*This certificate is issued pursuant to the provisions of 1972 PA 284, as amended, to attest to the fact that the corporation is in good standing in Michigan as of this date and is duly authorized to transact business and for no other purpose.*

*This certificate is in due form, made by me as the proper officer, and is entitled to have full faith and credit given it in every court and office within the United States.*



Sent by Facsimile Transmission  
537475

*In testimony whereof, I have hereunto set my hand, in the City of Lansing, this 6th day of February, 2014.*

Alan J. Schefke, Director  
Corporations, Securities & Commercial Licensing Bureau

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU  
PROFIT CORPORATION INFORMATION UPDATE**

**2013**

On behalf of the Corporation, I certify that no changes have occurred in required information since the last filed annual report.

Identification Number <b>537475</b>	Corporation Name <b>KEPS TECHNOLOGIES, INC.</b>
--	--

Resident agent name and mailing address of the registered office  
**STEVEN E. SCHOEN**

**MI**

The address of the registered office  
**1800 NCRTH GRAND RIVER AVE**

**LANSING MI 48906**

Describe the purpose and activities of the corporation during the year covered by this report:

**Electronic Signature**

Filed By <b>STEVE SCHOEN</b>	Title <b>AUTHORIZED OFFICER OR AGENT</b>	Phone
---------------------------------	---	-------

I certify that this filing is submitted without fraudulent intent and that I am authorized by the business entity to make any changes reported herein.

**Payment Information**

Payment Amount <b>\$ 25</b>	Payment Date/Time <b>03/29/2013 14:50:34</b>	Reference Nbr <b>71315 6801 537475 2013</b>
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State of Michigan  
John Engler, Governor

Department of Consumer & Industry Services  
Kathleen M. Wilbur, Director

Public Service Commission

6545 Mercantile Way  
P.O. Box 30221  
Lansing, MI 48909-7721  
Telephone: 517-241-6180  
Web Site: [cis.state.mi.us/mpsc](http://cis.state.mi.us/mpsc)

Commissioners  
Laura Chappelle  
David A. Svanda  
Robert B. Nelson

## Basic Local Exchange Service License

I, Dorothy Wideman, Executive Secretary, Michigan Public Service Commission, certify that on January 19, 2000, in Case No. U-12180, the Michigan Public Service Commission granted ACD Telecom, Inc. a permanent license to render basic local exchange service within a specific geographic area, in accordance with the requirements of the Michigan Telecommunications Act, 1991 PA 179 as amended, MCL 484.2101 et seq., and all requirements established by laws, orders, and regulations of the Commission.

I further certify that on December 3, 2001, Commission staff officially approved the tariffs filed by ACD Telecom, Inc. as a precondition to commencing basic local exchange service in the state of Michigan.

This license cannot be sold or otherwise transferred without prior approval from the Michigan Public Service Commission. ACD Telecom, Inc. may not discontinue basic local exchange service without first complying with the requirements of Section 313 of the Michigan Telecommunications Act, MCL 484.2313.

Signed and sealed in Lansing, MI  
on March 1, 2002.

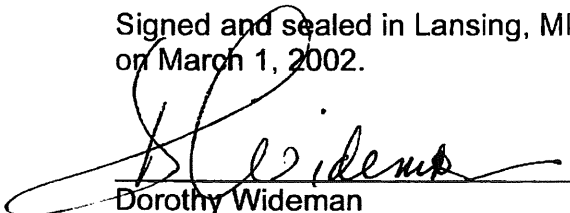
  
Dorothy Wideman  
Executive Secretary

Exhibit G

**METRO Act  
Unilateral Form  
Revised 12/06/02**

**RIGHT-OF-WAY  
TELECOMMUNICATIONS PERMIT**

This permit issued this \_\_\_ day of \_\_\_\_\_, 20\_\_ by Ypsilanti Charter Township

1 Definitions

- 1.1 Date of Issuance shall mean the date set forth above.
- 1.2 Manager shall mean Municipality's Manager or his or her designee.
- 1.3 METRO Act shall mean the Metropolitan Extension Telecommunications Right-of Way oversight Act, Act No. 48 of the Public Acts of 2002, as amended.
- 1.4 Municipality shall mean Ypsilanti Charter Township , a Michigan municipal corporation.
- 1.5 Permit shall mean this document.
- 1.6 Permittee shall mean **KEPS Technologies Inc. dba ACD.net and ACD Telecom, Inc.** organized under the laws of the State of Michigan whose address is 1800 N. Grand River Avenue Lansing MI 48906.
- 1.7 Public Right-of-Way shall mean the area on, below, or above a public roadway, highway, street, alley, easement, or waterway, to the extent Municipality has the ability to grant the rights set forth herein. Public Right-of-Way does not include a federal, state, or private right-of-way.
- 1.8 Telecommunications Facilities or Facilities shall mean the Permittee's equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify or provide telecommunication services or signals. Telecommunication Facilities or Facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 332(d) of Part I of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communications device.
- 1.9 Term shall have the meaning set forth in Part 7.

2      Grant

- 2.1      Municipality hereby issues a permit under the METRO Act to Permittee for access to and ongoing use of the Public Right-of-Way identified on Exhibit A to construct, install and maintain Telecommunication Facilities on the terms set forth herein.
- 2.1.1    Exhibit A may be modified by Manager upon written request by Permittee.
- 2.1.2    Any decision of Manager on a request by Permittee for a modification may be appealed by Permittee to Municipality's legislative body.
- 2.2      Overlapping. Permittee shall not allow the wires or any other facilities of a third party to be overlapped to the Telecommunication Facilities without Municipality's prior written consent. Municipality's right to withhold written consent is subject to the authority of the Michigan Public Service Commission under Section 361 of the Michigan Telecommunications Act, MCL § 484.2361.
- 2.3      Nonexclusive. The rights granted by this Permit are nonexclusive. Municipality reserves the right to approve, at any time, additional permits for access to and ongoing usage of the Public Right-of-Way by telecommunications providers and to enter into agreements for use of the Public Right-of-Way with and grant franchises for use of the Public Right-of-Way to telecommunications providers, cable companies, utilities and other providers.

3      Contacts, Maps and Plans

- 3.1      Permittee Contacts. The names, addresses and the like for engineering and construction related information for Permittee and its Telecommunication Facilities are as follows:
- 3.1.1    The address, e-mail address, phone number and contact person (title or name) at Permittee's local office (in or near Municipality) is Phil Brown, 1800 N. Grand River Avenue, Lansing, Michigan 48906. Phone: (517)999-3213 Fax: (517)999-3993 Email: brown.phil@acd.net.
- 3.1.2    If Permittee's engineering drawings, as-built plans and related records for the Telecommunication Facilities will not be located at the preceding local office, the location address, phone number and contact person (title or department) for them is Phil Brown, 1800 N. Grand River Avenue, Lansing, Michigan 48906. Phone: (517)999-3213 Fax: (517)999-3993 Email: brown.phil@acd.net.
- 3.1.3    The name, title, address, e-mail address and telephone numbers of



Permittee's engineering contact person(s) with responsibility for the design, plans and construction of the Telecommunication Facilities is Russell Allswede, 1800 N. Grand River Avenue, Lansing, Michigan 48906. Phone: (517)899-5609 Fax: (517)999-3993 Email: Allswede.Russell@acd.net.

3.1.4 The address, phone number and contact person (title or department) at Permittee's home office/regional office with responsibility for engineering and construction related aspects of the Telecommunication Facilities is Russell Allswede, 1800 N. Grand River Avenue, Lansing, Michigan 48906. Phone: (517)899-5609 Fax: (517)999-3993 Email: Allswede.Russell@acd.net.

3.1.5 Permittee shall at all times provide Manager with the phone number at which a live representative of Permittee (not voice mail) can be reached 24 hours a day, seven (7) days a week, in the event of a public emergency is (517)999-9999 option #1.

3.1.6 Permittee shall immediately notify Municipality in writing as set forth in Part 12 of any inaccuracies or changes in the preceding information.

3.2 Route Maps. Within ninety (90) days after the substantial completion of new Facilities in a Municipality, a provider shall submit route maps showing the location of the Telecommunication Facilities to both the Michigan Public Service Commission and to the Municipality, as required under Section 6(7) of the METRO Act, MCLA 484.3106(7).

3.3 As-Built Records. Permittee, without expense to Municipality, shall, upon forty-eight (48) hours notice, give Municipality access to all "as-built" maps, records, plans and specifications showing the Telecommunication Facilities or portions thereof in the Public Right-of-Way. Upon request by Municipality, Permittee shall inform Municipality as soon as reasonably possible of any changes from previously supplied maps, records, or plans and shall mark up maps provided by Municipality so as to show the location of the Telecommunication Facilities.

#### 4 Use of Public Right-of-Way

4.1 No Burden on Public Right-of-Way. Permittee, its contractors, subcontractors, and the Telecommunication Facilities shall not unduly burden or interfere with the present or future use of any of the Public Right-of-Way. Permittee's aerial cables and wires shall be suspended so as to not endanger or injure persons or property in or about the Public Right-of-Way. If Municipality reasonably determines that any portion of the Telecommunication Facilities constitutes an undue burden or interference, due to changed circumstances, Permittee, at its sole expense, shall modify the Telecommunication Facilities or take such other actions

as Municipality may determine is in the public interest to remove or alleviate the burden, and Permittee shall do so within a reasonable time period. Municipality will attempt to require all occupants of a pole or conduit whose facilities are a burden to remove or alleviate the burden concurrently.

- 4.2 No Priority. This Permit does not establish any priority of use of the Public Right-of-Way by Permittee over any present or future permittees or parties having agreements with Municipality or franchises for such use. In the event of any dispute as to the priority of use of the Public Right-of-Way, the first priority shall be to the public generally, the second priority to Municipality, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between other permit, agreement or franchise holders, as determined by Municipality in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.
- 4.3 Restoration of Property. Permittee, its contractors and subcontractors shall immediately (subject to seasonal work restrictions) restore, at Permittee's sole expense, in a manner approved by Municipality, any portion of the Public Right-of-Way that is in any way disturbed, damaged, or injured by the construction, installation, operation, maintenance or removal of the Telecommunication Facilities to a reasonably equivalent (or, at Permittee's option, better) condition as that which existed prior to the disturbance. In the event that Permittee, its contractors or subcontractors fail to make such repair within a reasonable time, Municipality may make the repair and Permittee shall pay the costs Municipality incurred for such repair.
- 4.4 Marking. Permittee shall mark the Telecommunication Facilities as follows: Aerial portions of the Telecommunication Facilities shall be marked with a marker on Permittee's lines on alternate poles which shall state Permittee's name and provide a toll-free number to call for assistance. Direct buried underground portions of the Telecommunication Facilities shall have (1) a conducting wire placed in the ground at least several inches above Permittee's cable (if such cable is nonconductive); (2) at least several inches above that, a continuous colored tape with a statement to the effect that there is buried cable beneath; and (3) stakes or other appropriate above ground markers with Permittee's name and a toll-free number indicating that there is buried telephone cable below. Bored underground portions of the Telecommunication Facilities shall have a conducting wire at the same depth as the cable and shall not be required to provide the continuous colored tape. Portions of the Telecommunication Facilities located in conduit, including conduit of others used by Permittee, shall be marked at its entrance into and exit from each manhole and handhole with Permittee's name and a toll-free telephone number.
- 4.5 Tree Trimming. Permittee may trim trees upon and overhanging the Public

Right-of-Way so as to prevent the branches of such trees from coming into contact with the Telecommunication Facilities, consistent with any standards adopted by Municipality. Permittee shall dispose of all trimmed materials. Permittee shall minimize the trimming of trees to that essential to maintain the integrity of the Telecommunication Facilities. Except in emergencies, all trimming of trees in the Public Right-of-Way shall have the advance approval of Manager.

4.6 Installation and Maintenance. The construction and installation of the Telecommunication Facilities shall be performed pursuant to plans approved by Municipality. The open cut of any Public Right-of-Way shall be coordinated with the Manager or his designee. Permittee shall install and maintain the Telecommunication Facilities in a reasonably safe condition. If the existing poles in the Public Right-of-Way are overburdened or unavailable for Permittee's use, or the facilities of all users of the poles are required to go underground then Permittee shall, at its expense, place such portion of its Telecommunication Facilities underground, unless Municipality approves an alternate location. Permittee may perform maintenance on the Telecommunication Facilities without prior approval of Municipality, provided that Permittee shall obtain any and all permits required by Municipality in the event that any maintenance will disturb or block vehicular traffic or are otherwise required by Municipality.

4.7 Pavement Cut Coordination. Permittee shall coordinate its construction and all other work in the Public Right-of-Way with Municipality's program for street construction and rebuilding (collectively "Street Construction") and its program for street repaving and resurfacing (except seal coating and patching) (collectively, "Street Resurfacing").

4.7.1 The goals of such coordination shall be to encourage Permittee to conduct all work in the Public Right-of-Way in conjunction with or immediately prior to any Street Construction or Street Resurfacing planned by Municipality.

4.8 Compliance with Laws. Permittee shall comply with all laws, statutes, ordinances, rules and regulations regarding the construction, installation, and maintenance of its Telecommunication Facilities, whether federal, state or local, now in force or which hereafter may be promulgated. Before any installation is commenced, Permittee shall secure all necessary permits, licenses and approvals

from Municipality or other governmental entity as may be required by law, including, without limitation, all utility line permits and highway permits. Permittee shall comply in all respects with applicable codes and industry standards, including but not limited to the National Electrical Safety Code (latest edition adopted by Michigan Public Service Commission) and the National Electric Code (latest edition). Permittee shall comply with all zoning and land use ordinances and historic preservation ordinances as may exist or may hereafter be amended.

- 4.9 Street Vacation. If Municipality vacates or consents to the vacation of Public Right-of-Way within its jurisdiction, and such vacation necessitates the removal and relocation of Permittee's Facilities in the vacated Public Right-of-Way, Permittee shall, as a condition of this Permit, consent to the vacation and remove its Facilities at its sole cost and expense when ordered to do so by Municipality or a court of competent jurisdiction. Permittee shall relocate its Facilities to such alternate route as Municipality, applying reasonable engineering standards, shall specify.
- 4.10 Relocation. If Municipality requests Permittee to relocate, protect, support, disconnect, or remove its Facilities because of street or utility work, or other public projects, Permittee shall relocate, protect, support, disconnect, or remove its Facilities, at its sole cost and expense, including where necessary to such alternate route as Municipality, applying reasonable engineering standards, shall specify. The work shall be completed within a reasonable time period.
- 4.11 Public Emergency. Municipality shall have the right to sever, disrupt, dig-up or otherwise destroy Facilities of Permittee if such action is necessary because of a public emergency. If reasonable to do so under the circumstances, Municipality will attempt to provide notice to Permittee. Public emergency shall be any condition which poses an immediate threat to life, health, or property caused by any natural or man-made disaster, including, but not limited to, storms, floods, fire, accidents, explosions, water main breaks, hazardous material spills, etc. Permittee shall be responsible for repair at its sole cost and expense of any of its Facilities damaged pursuant to any such action taken by Municipality.
- 4.12 Miss Dig. If eligible to join, Permittee shall subscribe to and be a member of "MISS DIG," the association of utilities formed pursuant to Act 53 of the Public Acts of 1974, as amended, MCL § 460.701 et seq., and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.

- 4.13 Underground Relocation. If Permittee has its Facilities on poles of Consumers Energy, Detroit Edison or another electric or telecommunications provider and Consumers Energy, Detroit Edison or such other electric or telecommunications provider relocates its system underground, then Permittee shall relocate its Facilities underground in the same location at Permittee's sole cost and expense.
- 4.14 Identification. All personnel of Permittee and its contractors or subcontractors who have as part of their normal duties contact with the general public shall wear on their clothing a clearly visible identification card bearing Permittee's name, their name and photograph. Permittee shall account for all identification cards at all times. Every service vehicle of Permittee and its contractors or subcontractors shall be clearly identified as such to the public, such as by a magnetic sign with Permittee's name and telephone number.

## 5 Indemnification

- 5.1 Indemnity. Permittee shall defend, indemnify, protect, and hold harmless Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions from any and all claims, losses, liabilities, causes of action, demands, judgments, decrees, proceedings, and expenses of any nature (collectively "claim" for this Part 5) (including, without limitation, attorneys' fees) arising out of or resulting from the acts or omissions of Permittee, its officers, agents, employees, contractors, successors, or assigns, but only to the extent such acts or omissions are related to the Permittee's use of or installation of facilities in the Public Right-of-Way and only to the extent of the fault or responsibility of Permittee, its officers, agents, employees, contractors, successors and assigns.
- 5.2 Notice, Cooperation. Municipality will notify Permittee promptly in writing of any such claim and the method and means proposed by Municipality for defending or satisfying such claim. Municipality will cooperate with Permittee in every reasonable way to facilitate the defense of any such claim. Municipality will consult with Permittee respecting the defense and satisfaction of such claim, including the selection and direction of legal counsel.
- 5.3 Settlement. Municipality will not settle any claim subject to indemnification under this Part 5 without the advance written consent of Permittee, which consent shall not be unreasonably withheld. Permittee shall have the right to defend or settle, at its own expense, any claim against Municipality for which Permittee is responsible hereunder.

6 Insurance

- 6.1 Coverage Required. Prior to beginning any construction in or installation of the Telecommunication Facilities in the Public Right-of-Way, Permittee shall obtain insurance as set forth below and file certificates evidencing same with Municipality. Such insurance shall be maintained in full force and effect until the end of the Term. In the alternative, Permittee may satisfy this requirement through a program of self-insurance, acceptable to Municipality, by providing reasonable evidence of its financial resources to Municipality. Municipality's acceptance of such self-insurance shall not be unreasonably withheld.
- 6.1.1 Commercial general liability insurance, including Completed Operations Liability, Independent Contractors Liability, Contractual Liability coverage, railroad protective coverage and coverage for property damage from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage, in an amount not less than Five Million Dollars (\$5,000,000).
- 6.1.2 Liability insurance for sudden and accidental environmental contamination with minimum limits of Five Hundred Thousand Dollars (\$500,000) and providing coverage for claims discovered within three (3) years after the term of the policy.
- 6.1.3 Automobile liability insurance in an amount not less than One Million Dollars (\$1,000,000).
- 6.1.4 Workers' compensation and employer's liability insurance with statutory limits, and any applicable Federal insurance of a similar nature.
- 6.1.5 The coverage amounts set forth above may be met by a combination of underlying (primary) and umbrella policies so long as in combination the limits equal or exceed those stated. If more than one insurance policy is purchased to provide the coverage amounts set forth above, then all policies providing coverage limits excess to the primary policy shall provide drop down coverage to the first dollar of coverage and other contractual obligations of the primary policy, should the primary policy carrier not be able to perform any of its contractual obligations or not be collectible for any of its coverages for any reason during the Term, or (when longer) for as long as coverage could have been available pursuant to the terms and conditions of the primary policy.
- 6.2 Additional Insured. Municipality shall be named as an additional insured on all policies (other than worker's compensation and employer's liability). All insurance policies shall provide that they shall not be canceled, modified or not renewed unless the insurance carrier provides thirty (30) days prior written notice

to Municipality. Permittee shall annually provide Municipality with a certificate of insurance evidencing such coverage. All insurance policies (other than environmental contamination, workers' compensation and employer's liability insurance) shall be written on an occurrence basis and not on a claims made basis.

- 6.3 Qualified Insurers. All insurance shall be issued by insurance carriers licensed to do business by the State of Michigan or by surplus line carriers on the Michigan Insurance Commission approved list of companies qualified to do business in Michigan. All insurance and surplus line carriers shall be rated A+ or better by A.M. Best Company.
- 6.4 Deductibles. If the insurance policies required by this Part 6 are written with retainages or deductibles in excess of \$50,000, they shall be approved by Manager in advance in writing. Permittee shall indemnify and save harmless Municipality from and against the payment of any deductible and from the payment of any premium on any insurance policy required to be furnished hereunder.
- 6.5 Contractors. Permittee's contractors and subcontractors working in the Public Right-of-Way shall carry in full force and effect commercial general liability, environmental contamination liability, automobile liability and workers' compensation and employer liability insurance which complies with all terms of this Part 6. In the alternative, Permittee, at its expense, may provide such coverages for any or all its contractors or subcontractors (such as by adding them to Permittee's policies).
- 6.6 Insurance Primary. Permittee's insurance coverage shall be primary insurance with respect to Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions (collectively "them"). Any insurance or self-insurance maintained by any of them shall be in excess of Permittee's insurance and shall not contribute to it (where "insurance or self-insurance maintained by any of them" includes any contract or agreement providing any type of indemnification or defense obligation provided to, or for the benefit of them, from any source, and includes any self-insurance program or policy, or self-insured retention or deductible by, for or on behalf of them).

## 7 Term

- 7.1 Term. The term ("Term") of this Permit shall be until the earlier of:
  - 7.1.1 5 years from the Date of Issuance; or
  - 7.1.2 When the Telecommunication Facilities has not been used to provide telecommunications services for a period of one hundred and eighty (180) days by Permittee or a successor or an assignee of Permittee; or

- 7.1.3 When Permittee, at its election and with or without cause, delivers written notice of termination to Municipality at least one-hundred and eighty (180) days prior to the date of such termination; or
- 7.1.4 Upon either Permittee or Municipality giving written notice to the other of the occurrence or existence of a default by the other party under Sections 4.8, 6, 8 or 9 of this Permit and such defaulting party failing to cure, or commence good faith efforts to cure, such default within sixty (60) days (or such shorter period of time provided elsewhere in this Permit) after delivery of such notice; or
- 7.1.5 Unless Manager grants a written extension, one year from the Date of Issuance if prior thereto Permittee has not started the construction and installation of the Telecommunication Facilities within the Public Right-of-Way and two years from the Date of Issuance if by such time construction and installation of the Telecommunication Facilities is not complete.

8 Performance Bond or Letter of Credit

- 8.1 Municipal Requirement. Municipality may require Permittee to post a bond (or letter of credit) as provided in Section 15(3) of the METRO Act, as amended [MCL § 484.3115(3)].

9 Fees

- 9.1 Establishment; Reservation. The METRO Act shall control the establishment of right-of-way fees. The parties reserve their respective rights regarding the nature and amount of any fees which may be charged by Municipality in connection with the Public Right-of-Way.

10 Removal

- 10.1 Removal; Underground. As soon as practicable after the Term, Permittee or its successors and assigns shall remove any underground cable or other portions of the Telecommunication Facilities from the Public Right-of-Way which has been installed in such a manner that it can be removed without trenching or other opening of the Public Right-of-Way. Permittee shall not remove any underground cable or other portions of the Telecommunication Facilities which requires trenching or other opening of the Public Right-of-Way except with the prior written approval of Manager. All removals shall be at Permittee's sole cost and



expense.

10.1.1 For purposes of this Part 10, "cable" means any wire, coaxial cable, fiber optic cable, feed wire or pull wire.

10.2 Removal; Above Ground. As soon as practicable after the Term, Permittee, or its successor or assigns at its sole cost and expense, shall, unless waived in writing by Manager, remove from the Public Right-of-Way all above ground elements of its Telecommunication Facilities, including but not limited to poles, pedestal mounted terminal boxes, and lines attached to or suspended from poles.

10.3 Schedule. The schedule and timing of removal shall be subject to approval by Manager. Unless extended by Manager, removal shall be completed not later than twelve (12) months following the Term. Portions of the Telecommunication Facilities in the Public Right-of-Way which are not removed within such time period shall be deemed abandoned and, at the option of Municipality exercised by written notice to Permittee as set forth in Part 12, title to the portions described in such notice shall vest in Municipality.

11 Assignment. Permittee may assign or transfer its rights under this Permit, or the persons or entities controlling Permittee may change, in whole or in part, voluntarily, involuntarily, or by operation of law, including by merger or consolidation, change in the ownership or control of Permittee's business, or by other means, subject to the following:

11.1 No such transfer or assignment or change in the control of Permittee shall be effective under this Permit, without Municipality's prior approval (not to be unreasonably withheld), during the time period from the Date of Issuance until the completion of the construction of the Telecommunication Facilities in those portions of the Public Right-of-Way identified on Exhibit A.

11.2 After the completion of such construction, Permittee must provide notice to Municipality of such transfer, assignment or change in control no later than thirty (30) days after such occurrence; provided, however,

11.2.1 Any transferee or assignee of this Permit shall be qualified to perform under its terms and conditions and comply with applicable law; shall be subject to the obligations of this Permit, including responsibility for any defaults which occurred prior to the transfer or assignment; shall supply Municipality with the information required under Section 3.1; and shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary, and

11.2.2 In the event of a change in control, it shall not be to an entity lacking the qualifications to assure Permittee's ability to perform under the terms and

conditions of this Permit and comply with applicable law; and Permittee shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary.

- 11.3 Permittee may grant a security interest in this Permit, its rights thereunder or the Telecommunication Facilities at any time without notifying Municipality.

12 Notices

- 12.1 Notices. All notices under this Permit shall be given as follows:

12.1.1 If to Municipality, to

Ypsilanti Charter Township, ATTN: Bldg Dept., 7200 S. Huron River Dr, Ypsilanti, MI 48197

12.1.2 If to Permittee, to Kevin Schoen, KEPS Technologies, Inc dba ACD.net and ACD Telecom, Inc., 1800 N. Grand River Avenue, Lansing, Michigan 48906 Phone: (517) 999-9999 Fax: (517) 999-3993 Email: Schoen.kevin@acd.net.

- 12.2 Change of Address. Permittee and Municipality may change its address or personnel for the receipt of notices at any time by giving notice thereof to the other as set forth above.

13 Other items

- 13.1 No Cable, OVS. This Permit does not authorize Permittee to provide commercial cable type services to the public, such as "cable service" or the services of an "open video system operator" (as such terms are defined in the Federal Communications Act of 1934 and implementing regulations, currently 47 U.S.C. §§ 522 (6), 573 and 47 CFR § 76.1500).

- 13.2 Effectiveness. This Permit shall become effective when Permittee has provided any insurance certificates and bonds required in Parts 6 and 8, and signed the acknowledgement of receipt, below.

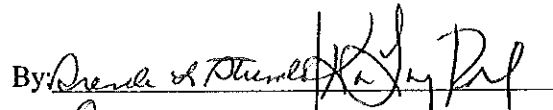
- 13.3 Authority. This Permit satisfies the requirement for a permit under Section 5 of the METRO Act [MCL 484.3105].

- 13.4 Interpretation and Severability. The provisions of this Permit shall be liberally construed to protect and preserve the peace, health, safety and welfare of the public, and should any provision or section of this Permit be held unconstitutional, invalid, overbroad or otherwise unenforceable, such

determination/holding shall not be construed as affecting the validity of any of the remaining conditions of this Permit. If any provision in this Permit is found to be partially overbroad, unenforceable, or invalid, Permittee and Municipality may nevertheless enforce such provision to the extent permitted under applicable law.

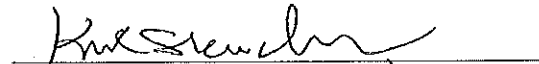
- 13.5 Governing Law. This Permit shall be governed by the laws of the State of Michigan.

Charter Township of Ypsilanti

By:   
Its: Supervisor | Clerk  
Date: January 21, 2015

Acknowledgement of Receipt: Permittee acknowledges receipt of this Permit granted by Municipality.

KEPS Technologies Inc. dba ACD.net and ACD telecom, Inc.

  
By: KIRK SHEWCHUCK  
Its: CEO  
Date: 12/17/14