

**TOWNSHIP OF BIRCH RUN
SAGINAW COUNTY, MICHIGAN**

TELECOMMUNICATIONS RIGHTS-OF-WAY RESOLUTION

NO. 2003-04

At a Regular Meeting of the Township Board of the Township of Birch Run, Saginaw County, Michigan, held at the Township Meeting Room on the 8TH day of April 2003, at 7 o'clock Eastern Standard Time.

**PRESENT: Earl Schlegel, Debbie Trevino, Amy Cook, Ed Magnus, Dave Stewart,
Joanne Strahm, and Jeff Putnam**
ABSENT: NONE

The following resolution was made by Debbie Trevino and seconded by Joanne Strahm:

WHEREAS, the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, No. 48 of Public Acts 2002 ("Metro Act") provides regulations governing the issuance of permits by Birch Run Township ("Township") to telecommunication providers for their access to an ongoing use of the public rights-of-way within the Township; and

WHEREAS, telecommunication providers using or seeking to use the public rights-of-way within the Township for their telecommunication facilities are required by the Metro Act to obtain a permit form the Township and pay all required fees; and

WHEREAS, the Metro Act generally requires telecommunication providers to pay the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority ("Authority") an annual fee; and

WHEREAS, the annual fees collected by the Authority are to be distributed to cities, villages and townships with the Township receiving from the Authority its share as allocated under the Metro Act; and

WHEREAS, the Township must comply with the Metro Act in order to be eligible to receive its allocated share of the annual fees collected by the Authority.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. Effective November 1, 2002, the Township has complied and will continue to comply with the Metro Act.
2. Effective November 1, 2002, all permits issued by the Township to telecommunication providers for use of the public rights-of-way prior to November 1, 2002 are modified pursuant to the Metro Act to require such telecommunication providers to pay only those fees required under Section 8 of the Metro Act; reserving any rights the Township may have to fees due for the period ending October 31, 2002. If Section 8 is found to be invalid or unconstitutional, this modification of fees is void from the date of the modification.
3. The Township shall not hold a cable television operator in default or seek any remedy for failure to satisfy an obligation, if any, to pay after

November 1, 2002, a franchise fee or other similar fee on that portion of gross revenues from charges that cable operator received for cable modern services provided through broadband internet transport access services while reserving any right the Township may have to such fees due for the period ending October 31, 2002.

4. The Township Clerk is directed to send a copy of this Resolution to all telecommunication providers using the public rights-of-way within the Township.
5. All Resolutions or portions of Resolutions in conflict herewith are hereby repealed.

RESOLUTION DECLARED ADOPTED.

YEAS: Amy Cook, Earl Schlegel, Debbie Trevino, Ed Magnus, Joanne Strahm, Dave Stewart, and Jeff Putnam

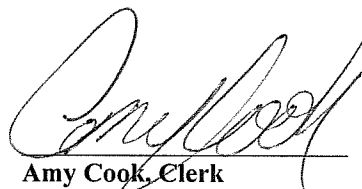
NAYS: None

ABSTENTIONS: None

**STATE OF MICHIGAN)
COUNTY OF SAGINAW)**

I, the undersigned, the fully qualified and acting Clerk of the Township of Birch Run, Saginaw County, Michigan, do hereby certify that the foregoing is a true and complete Copy of a resolution adopted at a special meeting of the Township Board of the Township of Birch Run, Michigan, held on the 8th day of April, 2003, the original of said meeting was given to and in compliance with Act 267, Public Acts of Michigan, 1976.

IN WITNESS WHEREOF, I have hereunto fixed my official signature on this 10th day of April 2003.



**Amy Cook, Clerk
Birch Run Township**