

12/93

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## NON-EXCLUSIVE FRANCHISE

### MICHIGAN CONSOLIDATED GAS COMPANY GAS FRANCHISE ORDINANCE

ORDINANCE NO. 2-93

AN ORDINANCE, granting to MICHIGAN CONSOLIDATED GAS COMPANY, its successors and assigns, the right, power, and authority to lay, maintain, and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in the TOWNSHIP OF BEAR LAKE, KALKASKA COUNTY, MICHIGAN for a period of thirty years.

#### THE TOWNSHIP OF BEAR LAKE ORDAINS:

Section 1. Grant of Gas Franchise and Consent to Laying of Pipes, Etc. Subject to all the terms and conditions mentioned in this ordinance, consent is hereby given to Michigan Consolidated Gas Company, a corporation organized under the laws of the State of Michigan (the "Company"), and to its successors and assigns, to lay, maintain, operate, and use gas pipes, mains, conductors, service pipes, and other necessary equipment in the highways, streets, alleys, and other public places in the Township of Bear Lake, Kalkaska County, Michigan, and a franchise is hereby granted to the Company, its successors and assigns, to transact local business in said Township of Bear Lake, for the purposes of conveying gas into and through and supplying and selling gas in said Township of Bear Lake and all other matters incidental thereto.

Section 2. Installation and Extension of System. If the provisions and conditions herein contained are accepted by the Company, as in Section 6 hereof provided, then within not more than one (1) year following the later of the date upon which this

ordinance takes effect and the date upon which the Company receives such regulatory approval as may be necessary for the Company to convey gas to the Township of Bear Lake and to construct and operate its facilities therein, the Company shall determine the area within the Township of Bear Lake to be served initially and commence the installation of a gas distribution system within such area, and the Company shall thereafter proceed to complete said initial installation as soon as reasonably practicable; provided, however, that the Company shall not be held responsible for delays due to weather or labor conditions, inability to procure necessary materials, or other causes beyond its control; and provided further that such initial installation and any extensions shall be subject to the Main Extension provisions, the Area Expansion Program provisions (if and where applicable), and other applicable provisions now or from time to time hereafter contained in the Company's Rules and Regulations for Gas Service as filed with the Michigan Public Service Commission or successor agency having similar jurisdiction.

Section 3. Use of Streets and Other Public Places. The Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys, or other public places within said Township of Bear Lake and shall within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition as before the opening or excavation was made. The Company, its successors and assigns, shall use due care in exercising the privileges herein

contained and shall be liable to said Township for all damages and costs which may be recovered against said Township of Bear Lake arising from the default, carelessness, or negligence of the Company or its officers, agents, and servants.

No road, street, alley, or highway shall be opened for the laying of trunk lines or lateral mains except upon application to the Highway Commissioner or the Township of Bear Lake, or other authority having jurisdiction in the premises, stating the nature of the proposed work and the route. Upon receipt of such application, it shall be the duty of the Highway Commissioners or the Township Board, or such other authority as may have jurisdiction, to issue a permit to the Company to do the work proposed.

Section 4. Standards and Conditions of Service; Rules, Regulations and Rates. The Company is now under the jurisdiction of the Michigan Public Service Commission to the extent provided by statute; and the rates to be charged for gas, and the standards and conditions of service and operation hereunder, shall be the same as set forth in the Company's schedule of rules, regulations, and rates as applicable in the several cities, villages, and townships in which the Company is now rendering gas service, or as shall hereafter be validly prescribed for the Township of Bear Lake, under the orders, rules, and regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises.

Section 5. Successors and Assigns. The words "Michigan

Consolidated Gas Company" and "the Company", wherever used herein, are intended and shall be held and construed to mean and include both Michigan Consolidated Gas Company and its successors and assigns, whether so expressed or not.

Section 6. Effective Date: Term of Franchise Ordinance; Acceptance by Company. This ordinance shall take effect the day following the date of publication thereof, which publication shall be made within thirty (30) days after the date of its adoption, and shall continue in effect for a period of thirty (30) years thereafter, subject to revocation at the will of the Township of Bear Lake at any time during said thirty (30) year period; provided, however, that when this ordinance shall become effective the Township Clerk shall deliver to the Company a certified copy of the ordinance accompanied by written evidence of publication and recording thereof as required by law, and the Company shall, one hundred eighty (180) days after the date this ordinance takes effect, file with the Township Clerk its written acceptance of the conditions and provisions hereof.

Section 7. Effect and Interpretation of Ordinance. All ordinances and resolutions, and parts thereof, which conflict with any of the terms of this ordinance are hereby rescinded. In the case of conflict between this ordinance and any such ordinances or resolutions, this ordinance shall control. The catch line headings which precede each Section of this ordinance are for convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this

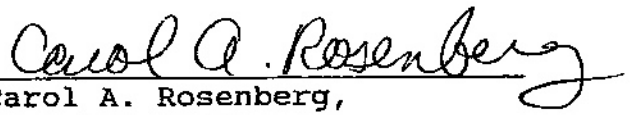
ordinance. The franchise granted by this Ordinance is non-exclusive

Ayes: 5 Majeski, Koski, Dorrance, Perry and Rosenberg

Nays: 0

Date Passed:

Attested, by Order of the Township of Bear Lake

  
Carol A. Rosenberg,  
Township Clerk

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Township Supervisor

## ORDINANCE CERTIFICATION

At a regular meeting of the Bear Lake Township Board, Kalkaska County, held in the  
Bear Lake Township Hall, located in Bear Lake Township, Kalkaska, Michigan, on December  
7 1993, at 7:00pm A.M./P.M.

PRESENT: Trustee Majeski, Trustee Koski, Supervisor Dorrance, Treasurer Perry  
and Clerk Rosenberg

ABSENT: None

The following Ordinance was offered by Majeski and supported by  
Koski (being Ordinance 2-93):

(SEE ATTACHED BEAR LAKE TOWNSHIP NON-EXCLUSIVE MICHIGAN  
CONSOLIDATED GAS COMPANY GAS FRANCHISE ORDINANCE)

YES: Majeski, Koski, Dorrance, Perry and Rosenberg

NO: None

RESOLUTION DECLARED ADOPTED.

BEAR LAKE TOWNSHIP

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

I, the undersigned, the Clerk of the Township of Bear Lake, Kalkaska County, Michigan,  
do hereby certify that the foregoing is a true and complete copy of certain proceedings taken  
by the Bear Lake Township Board of said County at its regular meeting held on December  
7, 1993, relative to adoption of the ordinance therein set forth; that said meeting was  
conducted and public notice of said meeting was given pursuant to and in full compliance with  
the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of  
said meeting were kept and will be made available as required by said Act; this ordinance was  
published in the Leader and Kalkaskan (name of newspaper) on January 5, 1994  
1993 and was filed with the County Clerk on January 10 1994, 1993.

Dated: January 10, 1994

Carol Rosenberg  
Carol Rosenberg, Clerk

Note: The Ordinance and this Ordinance Certification should be filed with the County Clerk  
within one (1) week of publication and the Ordinance should be placed in the  
Township Ordinance Book.

Proof of Publication

STATE OF MICHIGAN     )  
                                  )  
COUNTY OF KALKASKA    )

SS:

Mary K. Nowakowski being first duly sworn,  
deposes and says that ~~he~~ she is the office manager of the  
Leader and Kalkaskian, a newspaper published in the English  
language for the dissemination of local or transmitted news and  
intelligence of a general character and legal news, which is a  
duly qualified newspaper, and which is circulated within the  
Township of Bear Lake, County of Kalkaska, State of Michigan, and  
that annexed hereto is a printed Ordinance taken from said  
newspaper, in which the same was published on January 5,  
1997.

Mary K. Nowakowski

Subscribed and sworn to before me this 7<sup>th</sup> day of  
January, 1997.

Carol A. Rosenberg  
Notary Public, A Resident of  
KALKASKA County, Michigan  
My Commission Expires: JUNE 26, 1995