

ORDINANCE NO. 210 - ~~ORDINANCE NO. 12~~

FRANCHISE

Supersedes -

~~ORDINANCE NO. 12~~ Replaces  
Ord #12

MICHIGAN GAS UTILITIES COMPANY

a Delaware Corporation

AN ORDINANCE GRANTING TO MICHIGAN GAS UTILITIES COMPANY, A DELAWARE CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER, AUTHORITY AND PERMISSION TO USE THE HIGHWAYS, STREETS, ALLEYS AND OTHER PUBLIC PLACES OF THE TOWNSHIP OF OVID, COUNTY OF BRANCH, STATE OF MICHIGAN, FOR THE PURPOSE OF LAYING AND MAINTAINING GAS PIPES, MAINS, CONDUITS, VALVES, DRIPS AND ALL NECESSARY APPURTENANCES IN, UNDER AND ALONG THE HIGHWAYS, STREETS, ALLEYS AND OTHER PUBLIC PLACES, OF SAID TOWNSHIP, AND THE RIGHT, POWER AND PERMISSION TO CONDUCT AND OPERATE A GENERAL GAS BUSINESS AND DISTRIBUTION SYSTEM IN SAID TOWNSHIP OF OVID, COUNTY OF BRANCH, STATE OF MICHIGAN FOR A PERIOD OF THIRTY (30) YEARS.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF OVID, COUNTY OF BRANCH, STATE OF MICHIGAN HEREBY ORDAINS:

Section 1. Granting of Franchise to Use Highways, Streets, Alleys and Public Places. The Township of Ovid, County of Branch, State of Michigan, hereby grants to Michigan Gas Utilities Company, a Delaware corporation, its successors and assigns, a franchise to use the highways, streets, alleys and other public places of the Township of Ovid, County of Branch, State of Michigan, for the purpose of constructing, maintaining and operating a gas distribution system in said Township with full right, power and authority to establish, construct, maintain, extend and operate a plant, stations, mains, pipes, conduits, valves, drips and all other appurtenances, apparatus and appliances within the corporate limits of the Township of Ovid, County of Branch, State of Michigan, for the purpose of supplying and distributing to said

Township and its inhabitants gas for heating and other purposes and, for such purposes, to enter upon and use the highways, streets, alleys, and public lands of said Township and lay, maintain, operate, repair and extend therein, through and thereunder such mains, pipes, conduits, valves, drips, apparatus, appliances and other appurtenances as may be necessary and proper for the distribution of gas throughout and beyond said Township and for the purpose of conducting and operating a gas business in said Township subject to the terms and conditions hereinafter provided.

Section 2. Non Disturbance of Public Travel; Restoration; Construction Maintenance. In laying its pipes, mains and other appurtenances and repairing and maintaining the same, grantee shall interfere as little as possible with public travel. After opening any portion of the highways, streets, alleys or other public place, grantee shall within a reasonable time restore the same as nearly as possible to the same condition as prevailed before opening. While any portion of the highways, streets, alleys or other public place is open, grantee shall maintain reasonable barriers and lights at night and other warnings to the users of said highways, streets, alleys or other public place.

Section 3. Hold Harmless. Grantee shall at all times hold grantor harmless from any loss, damage and expense of any kind on account of the laying, constructing, maintenance, and use of said mains, pipes, conduits and other appurtenances. However, grantee need not save the Township harmless from claims, losses and expenses arising out of the negligence of the Township, its employees or agents.

Section 4. Rates Established by Michigan Public Service Commission. The rates to be charged by grantee and all rules of service shall be those which are established from time to time by the Michigan Public Service Commission or such other body which shall succeed to the jurisdiction, rights, powers and authority of said Commission.

Section 5. Term; Effective Date. The rights granted in this franchise shall continue in full force and effect for a period of thirty (30) years from the effective date thereof. The effective

date of this franchise shall be the date of the acceptance of the ordinance by grantee, which acceptance shall be filed by the grantee, in writing, within sixty (60) days after the enactment of this ordinance.

Section 6. Franchise Revocable; Irrevocability Upon Approval of Electors. The franchise herein granted shall be revocable at the will of the governing body of this township, PROVIDED, however, that the same shall become irrevocable if and when confirmed by a majority of the electors voting upon the question at the next general election or at any special election called for that purpose. Such special election shall be held at the request of said grantee.

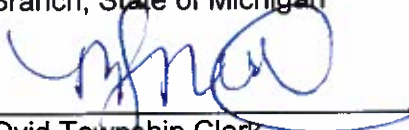
Section 7. Expenses of Election Paid by Grantee. In the event of a special election, the expenses thereof shall be deposited with the Clerk of this Township by the grantee.

Section 8. Ordinance Effective Date. This ordinance shall take effect on the day following the date of publication of the ordinance.

Section 9. Publication. The Township Clerk is hereby directed to cause a true copy of this ordinance to be published in the Coldwater Daily Reporter, a newspaper circulating within the Township within 30 days hereof.

Section 10. Recording of Ordinance. Within one week after the publication of this ordinance, the Township Clerk shall record the ordinance in a book of ordinances kept by the Clerk for such purpose. Such record shall include the date of passage hereof, the names of the members voting hereon and how each member voted. An attested copy of the Ordinance shall also be filed with the Branch County Clerk within one week hereof.

Township of Ovid, County of  
Branch, State of Michigan

  
\_\_\_\_\_  
Ovid Township Clerk

Presented by: Greg. Gemmill  
Seconded by: Larry Omo

Voting in Favor: Larry Omo  
Bob Samposel  
Greg Gemmill  
Shelly Armbody  
Robert Omo

Voting Against: None  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby attest that the foregoing Ordinance was adopted by the Township Board of the Township of Ovid, County of Branch, State of Michigan, at a regular meeting held on the 13<sup>th</sup> day of Nov. 2017.

Dated: 11/13/17

Published in: The Daily Reporter

Date of Publication: 12-9-17

Date of Filing with the Branch County Clerk: 12-21-17

Date entered into Township Book of Ordinance:

ENTERED BY: [Signature]

MICHIGAN GAS UTILITIES COMPANY

ACCEPTANCE OF FRANCHISE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF OVID, COUNTY OF BRANCH, STATE OF MICHIGAN

TAKE NOTICE, that Michigan Gas Utilities Company, a Delaware corporation, hereby accepts the franchise granted it by the Township Board of the Township of Ovid, County of Branch, State of Michigan, on the 13<sup>th</sup> day of November, 2017, and

Further, TAKE NOTICE, that Michigan Gas Utilities Company hereby demands that the action of said Township Board in granting said franchise be submitted to a vote of the electors of said Ovid Township for confirmation at the next regular election or at a special election called for that purpose.

MICHIGAN GAS UTILITIES  
COMPANY, a Delaware  
corporation

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

DATE RECEIVED: \_\_\_\_\_  
RECEIVED BY: \_\_\_\_\_