

ORDINANCE NO. 94-09-20-3

CONSUMERS POWER COMPANY GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS POWER 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, waterways, and other public places, and to do a local gas business in the TOWNSHIP OF WATERLOO, JACKSON COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF WATERLOO ORDAINS:

SECTION 1. GRANT TERM. The TOWNSHIP OF WATERLOO, JACKSON COUNTY, MICHIGAN, hereby grants to the Consumers Power Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," 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, waterways, and other public places, and to do a local gas business in the TOWNSHIP OF WATERLOO, JACKSON COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS. No highway, street, alley, bridge, waterway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes.

SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Township on account of the permission herein given, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. EXTENSIONS. Said Grantee shall construct and extend its gas distribution system within said Township, and shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

SECTION 7. RATES. Said Grantee shall be entitled to charge the inhabitants of said Township for gas furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors

authority and jurisdiction to fix and regulate gas rates and rules regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.

SECTION 8. REVOCAION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said Township.


SECTION 10. REPEALER. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of a gas ordinance adopted by the township board on December 9, 1964 entitled:

AN ORDINANCE, granting to CONSUMERS POWER 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, waterways, and other public places, and to do a local gas business in the TOWNSHIP OF WATERLOO, JACKSON COUNTY, MICHIGAN, for a period of thirty years.


and amendments, if any, to such ordinance whereby a gas franchise was granted to Consumers Power Company.

SECTION 11. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof; provided, however, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Township and said Grantee.

We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the TOWNSHIP OF WATERLOO, JACKSON COUNTY, MICHIGAN, on the 20th day of September, 1994.


Township Supervisor

Attest:


Township Clerk

Township Board Member DAVID J. Sweet moved that the Franchise Ordinance, as introduced, be adopted, which motion was supported by Township Board Member Robert HANNEWALD.

The following was the vote thereon:

| | |
|---|---------------------------|
| <u>Everell Huttenbocher</u> Supervisor | <u>Yes</u> (Yes or No) |
| <u>David J. Sweet</u> Township Clerk | <u>Yes</u> |
| <u>Mildred Maltby</u> Township Treasurer | <u>Yes</u> |
| <u>Robert HANNEWALD</u> Township Trustee | <u>Yes</u> |
| <u>Steve Krummrey</u> Township Trustee | <u>Absent</u> |
| _____ | _____ |
| Township Trustee | |

The Supervisor declared the foregoing attached Franchise duly adopted.


ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF WATERLOO, JACKSON COUNTY, MICHIGAN:

The Consumers Power Company hereby accepts the franchise granted to it by your Township Board, on the 20th day of September, 1994, which said franchise is entitled as follows:

AN ORDINANCE, granting to CONSUMERS POWER 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, waterways, and other public places, and to do a local gas business in the TOWNSHIP OF WATERLOO, JACKSON COUNTY, MICHIGAN, for a period of thirty years.

CONSUMERS POWER COMPANY

By 
Carl L. English, Vice President
Energy Distribution Services

Dated: 9/20/, 1994.

ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF WATERLOO, JACKSON COUNTY, MICHIGAN:

The Consumers Power Company hereby accepts the franchise granted to it by your Township Board, on the 20th day of September, 1994, which said franchise is entitled as follows:

AN ORDINANCE, granting to CONSUMERS POWER 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, waterways, and other public places, and to do a local gas business in the TOWNSHIP OF WATERLOO, JACKSON COUNTY, MICHIGAN, for a period of thirty years.

CONSUMERS POWER COMPANY

By /s/Carl L. English
Vice President,
Energy Distribution Services

Dated: 9/20/, 1994.

DAVID J. Sweet moved that within fifteen (15) days from the date hereof, the Township Clerk shall cause to be published in the Town Crier, a newspaper of general circulation in said Township, a copy of said Franchise Ordinance (in full), as part of the proceedings of this meeting; and that also, immediately after such publishing, enter the said ordinance in the Record of Ordinances of said Township, and shall certify thereto under his/her hand, stating the time and place of such publishing.

Said motion was supported by Township Board Member Robert Hannewald and was adopted by the following vote:

Yes: Supervisor Hutten Locher and Township Board Members
DAVID J. Sweet, Mildred Maltby,
Robert Hannewald

No: _____

The Supervisor declared said motion duly carried.

Thereupon the meeting adjourned.

CLERK CERTIFICATION

STATE OF MICHIGAN)
 : ss.
COUNTY OF JACKSON)

I, DAVID J. Sweet, Township Clerk of the TOWNSHIP OF WATERLOO, JACKSON COUNTY, MICHIGAN, DO HEREBY CERTIFY that the annexed is a true and correct copy of all of the proceedings of the Township Board of said Township, with reference to the granting of a franchise to Consumers Power Company.

I FURTHER CERTIFY that the within acceptance was filed with me as Township Clerk, on the 20th day of September, 1994; that I have compared the within copies with the original records in my office, and that the same are true and correct transcripts therefrom.

I FURTHER CERTIFY that a copy of the foregoing ordinance was published as appears by proof thereof on file in my office in the Town Crier, a newspaper circulated in the TOWNSHIP OF WATERLOO, JACKSON COUNTY, MICHIGAN, on the 27th day of September, 1994; and that all of said proceedings were regular and in accordance with all legal requirements.



Township Clerk

Dated: 9/20 / _____, 1994.