

MICHIGAN CONSOLIDATED GAS COMPANY GAS FRANCHISE ORDINANCE

ORDINANCE NO. XXIII

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 GERRISH, ROSCOMMON COUNTY, MICHIGAN for a period of thirty years.

THE TOWNSHIP OF GERRISH 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 Gerrish, Roscommon County, Michigan, and a franchise is hereby granted to the Company, its successors and assigns, to transact local business in said Township of Gerrish for the purposes of conveying gas into and through and supplying and selling gas in said Township of Gerrish and all other matters incidental thereto.

Section 2. Gas Service and Extension of System. If the provisions and conditions herein contained are accepted by the Company, as in Section 6 hereof provided, then the Company shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations; and provided further that

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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 Gerrish 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 Gerrish 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, sixty (60) days after receipt of the above documents, file with the Township Clerk its written acceptance of the conditions and provisions hereof.

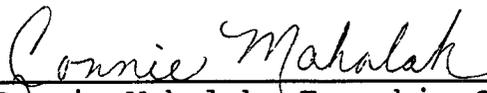
Section 7. Effect and Interpretation of Ordinance. All ordinances and resolutions, and parts thereof, which conflict with any of the terms of this ordinance are hereby rescinded. In the case of conflict between this ordinance and any such ordinances or resolutions, this ordinance shall control. The catch 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.

Ayes: Carlson, Mahalak, Stiefelmayer, Weatherly, Lippert

Nays: None

Date Passed: July 12, 1994

Attested, by Order of the Township of Gerrish

  
\_\_\_\_\_  
Connie Mahalak, Township Clerk

  
\_\_\_\_\_  
Kenneth Carlson, Township Supervisor

PROCEDURAL CHECKLIST

Date of Passage of Ordinance: July 12, 1994

Members Voting Aye:

Members Voting Nay:

Kenneth Carlson

None

Connie Mahalak

Kathryn Stiefelmayer

James Lippert

Herbert Weatherly

Date of Publication of the Ordinance: July 31, 1994

Newspaper In Which Publication Was Made: Roscommon County Herald-News

STATE OF MICHIGAN     )  
                                  )    SS:  
COUNTY OF ROSCOMMON )

I, the undersigned, being the duly elected, qualified and acting Clerk of the Township of Gerrish, County of Roscommon, and State of Michigan, do hereby certify that the foregoing ordinance was duly adopted by the Township Board of the Township of Gerrish as hereinabove set forth; and that said Ordinance was duly published on the date indicated above by the insertion of a true copy thereof in the Roscommon Co. Herald-News which is a duly qualified newspaper circulating within the Township of Gerrish.

In Testimony Whereof, I have hereunto set my hand this 16th day of August, 1994.

Connie Mahalak  
Connie Mahalak, Township Clerk