

Service as approved by the Michigan Public Service Commission.

ORDINANCE NO. 5

THE TOWNSHIP OF GERRISH ORDAINS:

Section 1. 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, 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 Michigan Consolidated Gas Company, its successors and assigns, to transact a local business in said Township of Gerrish, for the purpose of conveying gas into and through, and supplying and selling gas in said Township and all other matters incidental thereto.

Section 2. This franchise is conditioned on the commencement of construction by Michigan Consolidated Gas Company of a gas distribution system within the boundaries of the Township of Gerrish on or before December 31, 1964. If such construction does not commence on or before that date this franchise shall terminate as more specifically provided in Section 6 hereof. Upon commencement of the installation of a gas distribution system within the time specified, the Company shall proceed to complete the same as soon thereafter 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 all extensions shall be subject to the Main Extension provisions contained in the Company's Rules and Regulation for Gas

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Section 3. Michigan Consolidated Gas 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 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 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 Township Board, 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 Commissioner or Township Board, or such other authority as may have jurisdiction, to issue a permit to the Company to do the work proposed.

Section 4. 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 now set forth in the Company's Schedule of Rules, Regulations and Rates as applicable in the City of Clare, or that 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.

Ralph A. Gelling  
Gerrish Township Clerk



Section 5. 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. This ordinance shall take effect immediately after the date of publication thereof, which shall be within ten (10) 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 at any time during said thirty (30) year period and subject to the condition that if the Company shall fail to commence the installation of a gas distribution system within the time provided in Section 2 hereof, then this ordinance and the franchise hereby granted shall, without further action on the part of the Township become null and void and of no further force or effect; 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 that Michigan Consolidated Gas Company shall, within sixty (60) days after the date of the adoption of this ordinance, file with the Township Clerk its written acceptance of the conditions and provisions hereof.

At a regular meeting of the Gerrish Township Board on Wednesday, February 5, 1964, a motion was made by John Steele and supported by Francis Gallagher that the Township of Gerrish, Roscommon County, grant a franchise to Michigan Consolidated Gas Company for a period of 30 years. Roll call vote: Ayes; Schurger, Steele, Gallagher, Ostling. Nays; None. Motion carried, franchise granted.

Ralph A. Ostling  
Gerrish Township Clerk