

MICHIGAN CONSOLIDATED GAS COMPANY GAS FRANCHISE ORDINANCE

ORDINANCE NO. 24

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 PENINSULA, GRAND TRAVERSE COUNTY, MICHIGAN for a period of thirty years.

THE TOWNSHIP OF PENINSULA 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 Peninsula, Grand Traverse County, Michigan, and a franchise is hereby granted to the Company, its successors and assigns, to transact local business in said Township of Peninsula for the purposes of conveying gas into and through and supplying and selling gas in said Township of Peninsula 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 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 Peninsula 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 of Peninsula for all damages and costs which may be recovered against the Township of Peninsula 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 Peninsula 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 Peninsula 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 Peninsula 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 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.

Ayes:

Nays:

Date Passed:

Attested, by Order of the Township of Peninsula

---

Lorrie DeVol, Township Clerk  
Township of Peninsula

---

Robert K. Manigold  
Supervisor

**PROCEDURAL CHECKLIST**

Date of Passage of Ordinance: \_\_\_\_\_

Members Voting Aye:

Members Voting Nay:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Date of Publication of the Ordinance: \_\_\_\_\_

Newspaper In Which Publication Was Made: \_\_\_\_\_

STATE OF MICHIGAN            )  
                                  )    SS:  
COUNTY OF GRAND TRAVERSE )

I, the undersigned, being the duly elected, qualified and acting Clerk of the Township of Peninsula, County of Grand Traverse and State of Michigan, do hereby certify that the foregoing ordinance was duly adopted by the Township Board of the Township of Peninsula 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 \_\_\_\_\_, which is a duly qualified newspaper circulating within the Township of Peninsula.

In Testimony Whereof, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

\_\_\_\_\_  
Lorrie DeVol  
Township Clerk

CERTIFICATE

STATE OF MICHIGAN            )  
                                  )  SS.  
COUNTY OF GRAND TRAVERSE )

I, the undersigned, being the duly elected, qualified and acting Township Clerk of the Township of Peninsula, County of Grand Traverse, State of Michigan, do hereby certify that annexed hereto is a true, complete and correct copy of an ordinance duly adopted by the Township of Peninsula, at a regular meeting thereof duly called and held on the \_\_\_\_\_ day of \_\_\_\_\_, 199\_, the original of which is recorded in the Book of Ordinances of the Township of Peninsula.

I do hereby further certify that public notice of said meeting was given in the manner required by law, including the Open Meetings Act, 1976 PA 267, including in the case of a rescheduled meeting notice by publication or posting at least 18 hours prior to the time set for the meeting, and that the meeting was held and conducted in compliance with the provisions of said Act.

I do hereby further certify that the Township of Peninsula maintains a township office open to the public during regular hours on each business day, and that the Book of Ordinances is readily available to the public at the Township office.

I do hereby further certify that said ordinance was published, within thirty (30) days after the passage thereof, by causing a true, correct and complete copy thereof to be inserted in the \_\_\_\_\_, a newspaper circulating within the Township of Peninsula.

I do hereby further certify that within one (1) week after the publication of the said ordinance as aforesaid, I duly recorded said ordinance in the Book of Ordinances of the Township of Peninsula, together with the date of the passage of said ordinance, the names of the members voting thereon and how each member voted.

I do hereby further certify that I have duly certified, under the said ordinance in a blank space provided therefor in the Book of Ordinances of the Township of Peninsula, the date of publication of said ordinance, and the name of the newspaper in which publication was made; and that annexed hereto is a true, correct and complete copy of such certificate as contained in the Book of Ordinances of the Township of Peninsula.

In Testimony Whereof, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_\_.

\_\_\_\_\_  
Lorrie DeVol  
Township Clerk