

ORDINANCE NO. 66

FRANCHISE

MICHIGAN GAS UTILITIES CORPORATION

AN ORDINANCE GRANTING TO MICHIGAN GAS UTILITIES CORPORATION, A DELAWARE CORPORATION DOING BUSINESS IN THE STATE OF MICHIGAN, ITS SUCCESSORS AND ASSIGNS, THE NON-EXCLUSIVE RIGHT, POWER, AUTHORITY AND PERMISSION TO USE THE HIGHWAYS, STREETS, ALLEYS AND OTHER PUBLIC PLACES OF THE TOWNSHIP OF WHITEFORD, COUNTY OF MONROE, 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 A SPECIFIED AREA, AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE, OF THE TOWNSHIP OF WHITEFORD, COUNTY OF MONROE, STATE OF MICHIGAN FOR A PERIOD OF THIRTY (30) YEARS. THE TOWNSHIP BOARD OF THE TOWNSHIP OF WHITEFORD, COUNTY OF MONROE, STATE OF MICHIGAN HEREBY ORDAINS:

Section 1. Granting of Franchise to Use Highways, Streets, Alleys and Public Places. The Township of Whiteford, County of Monroe, State of Michigan, (herein after called "Grantor" or "Township"), hereby grants to Michigan Gas Utilities Corporation, a Delaware corporation doing business in the State of Michigan, (hereinafter called "Grantee") its successors and assigns, a non-exclusive franchise of the following described Sections:

T8S R6E

Sections 1, 2 and 3; the East 1/4 of Section 4; the East 1/4 of Section 9; Sections 10, 11, 12, 13, 14 and 15; the East 1/4 of Section 16; Sections 21, 22, 23, 24, 25 and 26; Section 27 East of U.S. Highway 23; Section 34 East of U.S. Highway 23; Sections 35 and 36; and

T9S R6E

Fractional Section 1; Fractional Section 2; and Fractional Section 3 East of U.S. Highway 23.

to use the highways, streets, alleys, bridges, waterways and other public places ("Public Ways") of the above-described Sections of the Township of Whiteford, County of Monroe, 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, conduit, valves, drips and all other appurtenances, apparatus and appliances ("Facilities") within the corporate limits of the Township of Whiteford, County of Monroe, 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 Public Ways of said Township and lay, maintain, operate, repair and extend therein, through and thereunder such Facilities 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. Conditions. No Public Ways 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 Facilities shall be so placed in the Public Ways as not to unnecessarily interfere with the use thereof for highway purposes. While any portion of the Public Way 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. Said Grantee shall at all times keep, indemnify, and save the Township free and harmless from all loss, costs and expenses, including attorneys' fees, to which it may be subject by reason of the actions, omissions, negligent construction and maintenance of the Facilities hereby authorized. In case any action is commenced against the Township on account of the permission herein given, said Grantee shall, upon notice, indemnify and defend the Township, and save it free and harmless from all loss, cost and damage, including attorney fees, arising out of such actions, omissions, negligent construction and maintenance.

Section 4. Term; Effective Date. The rights granted in this non-exclusive 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 franchise by Grantee, if Grantee accepts, acceptance shall be filed by the Grantee, in writing, within sixty (60) days after the enactment of this ordinance. Upon acceptance of this franchise by Grantee, this franchise shall supersede the prior franchise granted to Grantee by Ordinance No. 35, adopted by the Township of Whiteford on March 22, 1994.

Section 5. Franchise Revocable; Irrevocability Upon Approval of Electors. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation. 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 6. 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 ("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 at any time upon petition therefore being made by either said Township, acting by its Township Board, any gas customer of Grantee, or by 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. Publication. The Township Clerk is hereby directed to cause a true copy of this ordinance to be published in *The Monroe Evening News*, a newspaper circulating within the Township within thirty (30) days hereof.

How each member voted. An attested copy of the Ordinance shall also be filed with the Monroe County Clerk within one week after the publication.

Presented by: Bernice Heidelberg

Seconded by: Donald Sahloff

Voting in Favor: Donald Sahloff, Tim Hill, Bernice Heidelberg, Angela Christensen, Walter Ruhl

Voting Against: None

I, Angela Christensen, Whiteford Township Clerk, hereby attest that the foregoing Ordinance was adopted by the Township Board of the Township of Whiteford, County of Monroe, State of Michigan at a regular meeting held on the 15th day of December, 2015.

Whiteford Township Clerk: _____ Dated: December 15, 2015.