

MICHIGAN CONSOLIDATED GAS COMPANY GAS FRANCHISE ORDINANCE

ORDINANCE NO. 10

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 LIMA, WASHTENAW COUNTY, MICHIGAN for a period of thirty years.

THE TOWNSHIP OF LIMA 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 Lima, Washtenaw County, Michigan, and a franchise is hereby granted to the Company, its successors and assigns, to transact local business in said Township of Lima for the purposes of conveying gas into and through and supplying and selling gas in said Township of Lima and all other matters incidental thereto. The rights, power and authority granted herein are not exclusive and the Township reserves the right to grant further franchises for the same or similar uses.

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 Lima 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 Lima for all damages and costs which may be recovered against Township of Lima 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 Lima 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. All work and construction shall be in accordance with the ordinances of the Township and subject to the direction of the Township Administration.

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 Lima 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 there-

after, subject to revocation at the will of the Township of Lima 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.

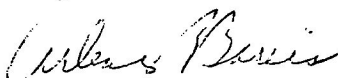
Section 7. Effect and Interpretation of Ordinance. All ordinances and resolutions, and parts thereof, which conflict with any of the terms of this ordinance are hereby rescinded. In the case of conflict between this ordinance and any such ordinances or resolutions, this ordinance shall control. The catch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

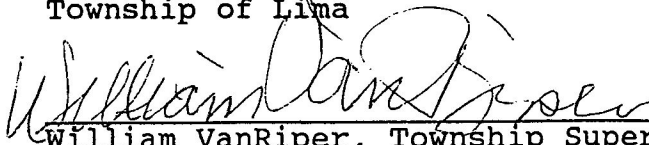
Nays: *None*

Date Passed: *August 2, 1993*

Attested, by Order of the Township of Lima



Arlene R. Bareis, Township Clerk  
Township of Lima



William VanRiper, Township Supervisor

CERTIFICATE

STATE OF MICHIGAN     )  
                                  )   SS.  
COUNTY OF WASHTENAW )

I, the undersigned, being the duly elected, qualified and acting Township Clerk of the Township of Lima, County of Washtenaw, 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 Lima, at a regular meeting thereof duly called and held on the 2nd day of August, 1993, the original of which is recorded in the Book of Ordinances of the Township of Lima.

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.

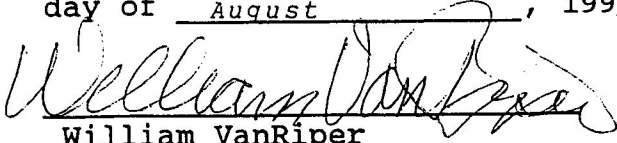
I do hereby further certify that I have filed an attested copy of said ordinance with the County Clerk.

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 Chelsea Standard, a newspaper circulating within the Township of Lima.

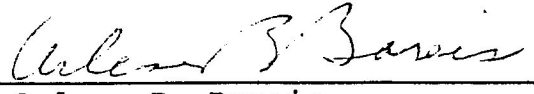
I do hereby further certify that within one (1) week after the publication of the said ordinance as aforesaid, I duly recorded said ordinance in the Book of Ordinances of the Township of Lima, together with the date of the passage of said ordinance, the names of the members voting thereon and how each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

In Testimony Whereof, I have hereunto set my hand this 7th  
day of August, 1993



William VanRiper  
Township Supervisor



Arlene R. Bareis  
Township Clerk

Proof of Publication

STATE OF MICHIGAN    )  
                                  )    SS:  
COUNTY OF WASHTENAW )

WALTER P. LEONARD, being first duly sworn, deposes and says that he ~~is~~ is the PUBLISHER of the Chelsea Standard, a newspaper published in the English language for the dissemination of local or transmitted news and intelligence of a general character and legal news, which is a duly qualified newspaper, and which is circulated within the Township of Lima, County of Washtenaw, State of Michigan, and that annexed hereto is a printed Ordinance taken from said newspaper, in which the same was published on August 11, 1993.

Walter P. Leonard

Subscribed and sworn to before me this 7~~th~~ day of August, 1993.

Helen May Leonard  
Notary Public, A Resident of  
Washtenaw County, Michigan

My Commission Expires: January 24-1996

HELEN MAY LEONARD  
NOTARY PUBLIC - WASHTENAW COUNTY, MICH  
MY COMMISSION EXPIRES 01-24-96

PROCEDURAL CHECKLIST

Date of Passage of Ordinance: August 2, 1993

Members Voting Aye:

Members Voting Nay:

Trustee Trinkle

None

Trustee Heller

\_\_\_\_\_

Treasurer Messman

Clerk Bareis

Date of Publication of the Ordinance: August 11, 1993


Newspaper In Which Publication Was Made: Chelsea Standard

Date Attested Copy Filed With County Clerk: August 10, 1993

STATE OF MICHIGAN     )  
                                  ) SS:  
COUNTY OF WASHTENAW )

I, the undersigned, being the duly elected, qualified and acting Clerk of the Township of Lima, County of Washtenaw, and State of Michigan, do hereby certify that the foregoing ordinance was duly adopted by the Township Board of the Township of Lima 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 Chelsea Standard, which is a duly qualified newspaper circulating within the Township of Lima.

In Testimony Whereof, I have hereunto set my hand this 7th day of August, 1993.

  
\_\_\_\_\_  
Arlene R. Bareis  
Township Clerk