

ORDINANCE NO.

91-6

REF: 20-91A

CONSUMERS POWER COMPANY GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS POWER 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 PINCONNING, BAY COUNTY, MICHIGAN for a period of thirty years.

THE TOWNSHIP OF PINCONNING ORDAINS:

SECTION 1. GRANT, TERM. The Township of Pinconning, Bay County, Michigan, hereby grants to the Consumers Power Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," 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 Pinconning, Bay County, Michigan for a period of thirty years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS. No highway, street, alley, bridge or other public place 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 pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes.

SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Township on account of the permission herein given, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. EXTENSIONS. Said Grantee shall construct and extend its gas distribution system within said Township, and shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

SECTION 7. 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, 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 and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.

SECTION 8. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION. JURISDICTION. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said Township.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof; provided, however, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Township and said Grantee.

Affidavit and Proof of Publication

STATE OF MICHIGAN,

County of Bay—ss

Thomas N. Johnson, being duly sworn, deposes and says he is the Editor of The Pinconning Journal, a newspaper printed and published in the City of Pinconning, in said county, that the annexed printed notice of ~~Pinconning Twp-~~ Consumers Power Co. Gas Franchise Ordinance was duly printed and published for _____ successive weeks in said paper, at least once each week, commencing on the 22nd day of May 19 91, and ending on the _____ day of _____ 19 _____

Thomas N. Johnson

Thomas N. Johnson

Sworn to and subscribed before me this 6 th
day of June 19 91.

Mary Talicska

Mary Talicska Notary Public, Bay County, Michigan

My Commission Expires 4-19 1994

To RCGoodwin, Midland

From CMWarfield, CLA M-1042, 8-0018 *over*

Date April 10, 1991

Subject REVOCABLE GAS FRANCHISE PROCEEDINGS
PINCONNING TOWNSHIP, BAY COUNTY

CONSUMERS
POWER
COMPANY

Internal
Correspondence

CC MGKoschik, M-890A
VPProvenzano, M-1011B

Enclosed are the proceedings for obtaining a revocable gas franchise for Pinconning Township, Bay County. Three copies of the proceedings are enclosed, marked as follows:

Clerk's Copy
Company's Copy
Work Copy

I am enclosing a copy of the franchise ordinance to be published in the The Pinconning Journal and a Time Schedule setting forth the procedure to be followed in obtaining this franchise. You will note that the proceedings differ from the standard form in that they do not provide for an election.

If the initial meeting of the Township Board is a special meeting, it will be necessary for the Township Clerk to give notice in advance of the meeting to each member of the Township Board. If this notice requirement is not complied with and all of the members of the Board are not present at the meeting, the action taken by the Board will be invalid.



C M Graham
Region General Manager

Central Region: 2400 Weiss Street, Saginaw, MI 48602 • (517) 799-7110

April 12, 1991

Ms Lou-Ann Verellan
Pinconning Township Clerk
4565 Maloney
Pinconning, MI 48650

GAS FRANCHISE RENEWAL

As tentatively set up, I will plan to attend your May 14 Pinconning Township monthly meeting for the purpose of presenting a gas revocable franchise between the Township of Pinconning and Consumers Power Company, which is due for renewal May 29, 1991.

I have enclosed "Clerk's Copy" of paperwork, which includes copy of ordinance to be published, and five copies of the ordinance itself for you, your Supervisor, Treasurer and two Trustees to review. Please note that the ordinance must be published in the Pinconning Journal sometime after May 14 and before May 29. Consumers Power will pay costs associated with this publication.

I look forward to meeting with you and the board. If you wish to contact me prior to this meeting, please call me in Midland at 517 799-7110, extension 623, or 517 631-9420.

Robert C Goodwin
Mid-Michigan Area Manager

Enc

CLERK'S CERTIFICATE OF PUBLICATION

The foregoing ordinance was duly adopted and passed by the Township Board of Pinconning Township, Bay County, Michigan, on the 14 day of May, 1991, by the following vote:

<u>Sharon Stabberg</u> Supervisor	<u>YES</u> (Yes or No)
<u>Lou-Ann Verellen</u> Township Clerk	<u>yes</u>
<u>Deane Schmidt</u> Township Treasurer	<u>yes</u>
<u>Randy Augustyniak</u> Township Trustee	<u>YES</u>
<u>Wojciech Kurasiak</u> Township Trustee	<u>YES</u>

I further certify that the foregoing ordinance was published in the The Pinconning Journal, a newspaper of general circulation in the above Township, on the 22 day of May, 1991.

Lou-Ann Verellen
Township Clerk