CONSUMERS POWER COMPANY GAS
FRANCHISE ORDINANCE
TOWNSHIP OF HOWELL, MICHIGAN
Ord. No. 17 eff. Nov. 5, 1987

An Ordinance, granting to Consumers Power Company, its successors and assigns, the right, power and authority to lay, maintain, and operate gad 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 on the Township of Howell, Livingston County, Michigan for a period of thirty years.

THE TOWNSHIP OF HOWELL ORDAINS:

Section 1. GRANT TERM.

The Township of Howell, Livingston County, Michigan, hereby grants to the Consumers Power Company, a Michigan Corporation, its successors and assigns, hereinafter called the AGrantee,@ 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 do a local gas business in the Township of Howell, Livingston County, Michigan for a period of thirty years. Nothing in this grant shall be construed to alienate the title of the public in and to any street, highway, alley or public place or any portion thereof, neither shall anything herein be construes in any manner as a surrender by the Township of Howell of its legislative power with respect to the subject matter hereof or with respect to any other matter whatsoever, nor as in any manner limiting the right of the Township of Howell to lawfully regulate the use of any street, avenue, highway, or public place within its jurisdiction.

(Ord. No. 17 eff. Nov. 5, 1987)

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.

(Ord. No. 17 eff. Nov. 5, 1987)

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 interfere with the use thereof for highway purposes. Grantee, before entering upon any highway, street, alley or other public place for the purpose of erecting, constructing, or laying gas mains, pipes and other improvements, except service lines from mains to customers' premises, shall, in writing, notify the Township Supervisor or his representative of the purpose of the construction and obtain that Supervisor=s approval thereof, which shall not be unreasonably withheld and, if required by the Township Supervisor, file a sufficient plan and specification showing the nature and extent of the proposed construction; provided, however, that said Grantee shall have the right to maintain existing mains and pipes without seeking approval from the Township Supervisor and further can perform any emergency service reasonably necessary without Township approval.

(Ord. No.17 eff. Nov. 5, 1987)

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, and 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 cost and damage arising out of such negligent construction and maintenance or any other negligent actions on the part of the Grantee or its agents.

(Ord. No. 17 eff. Nov. 5, 1987)

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.

(Ord. No. 17 eff. Nov. 5, 1987)

Section 6. **FRANCHISE NOT EXCLUSIVE.**

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

(Ord. No. 17 eff. Nov. 5, 1987)

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.

(Ord. No. 17 eff. Nov. 5, 1987)

Section 8. **REVOCATION.**

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

(Ord. No. 17 eff. Nov. 5, 1987)

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.

(Ord. No. 17 eff. Nov. 5, 1987)

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.

(Ord. No. 17 eff. Nov. 5, 1987)