

TOWNSHIP OF ORONOKO
COUNTY OF BERRIEN
STATE OF MICHIGAN

FRANCHISE-MICHIGAN GAS UTILITIES

ORDINANCE NO 49

An Ordinance granting to UtiliCorp United Inc. a Delaware Corporation doing business in the State of Michigan under the assumed name, Michigan Gas Utilities, its successors and assigns, the right, power, authority and permission to use the highways, streets, alleys and other public places of the Charter Township of Oronoko, County of Berrien, 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 Charter Township, and the right, power and permission to conduct and operate a general gas business and distribution system in said Charter Township of Oronoko, County of Berrien, State of Michigan for a period of thirty (30) years.

The Township of the Charter Township of Oronoko, County of Berrien, State of Michigan hereby ordains:

SECTION 1. GRANTING OF FRANCHISE TO USE HIGHWAYS, STREETS, ALLEYS AND PUBLIC PLACES.

The Charter Township of Oronoko, County of Berrien, State of Michigan (hereinafter called "Grantor"), hereby grants to UtiliCorp United, Inc., a Delaware Corporation doing business in the State of Michigan under the assumed name Michigan Gas Utilities, (hereinafter called "Grantee"), its successors and assigns, a franchise to use the highways, streets, alleys and other public places of the Charter Township of Oronoko, County of Berrien, State of Michigan, for the purpose of constructing, maintaining and operating a gas distribution system in said Charter Township with full right, power and authority to establish, construct, maintain, extend and operate a plant, stations, mains, pipes, conduits, valves, drips and all other appurtenances, apparatus and appliances within the corporate limits of the Charter Township of Oronoko, County of Berrien, state of Michigan, for the purpose of supplying and distributing to said Charter Township and its inhabitants gas for heating and other purposes and, for such purposes, to enter upon and use the highways, streets, alleys, and public lands of said Charter Township and lay, maintain, operate, repair and extend

therein, through and thereunder such mains, pipes, conduits, valves, drips, apparatus, appliances and other appurtenances as may be necessary and proper for the distribution of gas throughout and beyond said Charter Township and for the purpose of conducting and operating a gas business in said Charter Township subject to the terms and conditions hereinafter provided.

SECTION 2. NON-DISTURBANCE OF PUBLIC TRAVEL; RESTORATION; CONSTRUCTION MAINTENANCE.

In laying its pipes, mains and other appurtenances and repairing and maintaining the same, Grantee shall interfere as little as possible with public travel. After opening any portion of the highways, streets, alleys or other public place, Grantee shall within a reasonable time restore the same as nearly as possible to the same condition as prevailed before opening. While any portion of the highways, streets, alleys or other public place 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

Grantee shall at all times hold Grantor harmless from any loss, damage and expense of any kind on account of the laying, constructing, maintenance, and use of said mains, pipes, conduits and other appurtenances.

SECTION 4. RATES ESTABLISHED BY MICHIGAN PUBLIC SERVICE COMMISSION

The rates to be charged by Grantee and all rules of service shall be those which are established from time to time by the Michigan Public Service Commission or such other body which shall succeed to the jurisdiction, rights, powers and authority of said Commission.

SECTION 5. TERM: EFFECTIVE DATE

The rights granted in this 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, which acceptance of the franchise by Grantee, which acceptance shall be filed by the Grantee, in writing, within sixty (60) days after the enactment of this ordinance.

SECTION 6. FRANCHISE REVOCABLE; IRREVOCABILITY UPON APPROVAL OF ELECTORS

The franchise herein granted shall be revocable at the will of the governing body of this Charter Township, 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 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 Charter Township by the Grantee.

SECTION 8. ORDINANCE EFFECTIVE DATE

This ordinance shall take effect on the day following the date of publication of the ordinance as finally passed.

SECTION 9. PUBLICATION

The Charter Township Clerk is hereby directed to cause a true copy of this ordinance as finally passed to be published in The Journal Era, a newspaper published in Berrien County within 30 days hereof.

SECTION 10. RECORDING OF ORDINANCE

Within one week after the enactment of this ordinance, the Charter Township Clerk shall record the ordinance in the Ordinance Book kept by the Clerk for such purpose. Such record shall include the date of passage hereof, the names of the members voting hereon and how each member voted, and the ordinance shall be authenticated by the Supervisor and the Township Clerk by affixing their official signatures on the record.

We hereby attest that the foregoing Ordinance was finally passed by the Township Board of the Charter Township of Oronoko, County of Berrien, State of Michigan at a regular meeting held on the 13th. Day of September 1994.

We further attest that the foregoing Ordinance was introduced at a regular meeting of the Charter Township Board held on the 13th day of September 1994 and thereafter published complete in the form in which it was introduced.

DATED; SEPTEMBER 14, 1994

ERNEST HILDEBRAND,
TOWNSHIP SUPERVISOR

LINDA CASH,
TOWNSHIP CLERK

DATE OF PUBLICATION; OCTOBER 12, 1994

PUBLISHED IN THE JOURNAL ERA

DATE OF PUBLICATION WHEN ORDINANCE PASSED DECEMBER 14, 1994

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