

DEXTER TOWNSHIP ORDINANCE NUMBER 4

CONSUMERS POWER COMPANY TOWNSHIP FRACHISE

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 DEXTER, WASHTENAW COUNTY, MICHIGAN, FOR A PERIOD OF THIRTY YEARS.

THE TOWNSHIP OF DEXTER ORDAINS:

SECTION I

1. The Township of Dexter, Washtenaw County, Michigan, hereby grants to the Consumers Power Company, a corporation authorized to transact business in Michigan, 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 Dexter, Washtenaw County, Michigan, for a period of thirty years..

SECTION II

1. In the consideration of the rights, power and authority hereby granted, all of which shall vest in the Grantee for a period of thirty (30) years as aforesaid, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION III

1. 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 IV

1. 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 V

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

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SECTION VI

1. Said Grantee shall from time to time extend its gas distribution system to and within said Township, and shall furnish gas to applicants residing therein whenever the amount of gas to be furnished thereby shall provide an adequate and reasonable return upon the cost of making such extensions and providing such service.

SECTION VII

1. Said Grantee shall be entitled to charge the inhabitants of said Township for gas furnished therein, the rates, including minimum charges, 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 VIII

1. This ordinance 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, subject to conformation of the grant hereof by at least a majority of the electors of said Township voting thereon at a regular or special township election to be held in the manner provided by law.. Upon the acceptance and conformation hereof, this ordinance shall constitute a contract between said Township and said Grantee for a period of thirty years from the date of such acceptance.

Township Clerk