

**DEXTER TOWNSHIP ORDINANCE NUMBER 4-C**

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CONSUMERS ENERGY COMPANY FRANCHISE

ADOPTED: 17 APRIL, 2012

EFFECTIVE: 27 APRIL, 2012

AN ORDINANCE, GRANTING TO CONSUMERS ENERGY 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, WATERWAYS AND OTHER PUBLIC PLACES, AND TO DO A LOCAL GAS BUSINESS IN THE TOWNSHIP OF DEXTER, WASHTENAW COUNTY, MICHIGAN, FOR A PERIOD OF FIVE (5) YEARS.

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THE TOWNSHIP OF DEXTER ORDAINS:

**SECTION I**

**GRANT TERM.** The TOWNSHIP OF DEXTER, WASHTENAW COUNTY, MICHIGAN, hereby grants to the Consumers Energy 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, waterways and other public places, and to do a local gas business in the TOWNSHIP OF DEXTER, WASHTENAW COUNTY, MICHIGAN, for a period of five (5) years.

**SECTION II**

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

**SECTION III**

**CONDITIONS.** No highway, street, alley, bridge, waterway 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**

**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 V**

**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.

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**SECTION VI**

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

**SECTION VII**

**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 VIII**

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

**SECTION IX**

**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 X**

**REPEALER.** This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of a gas ordinance adopted by the Township Board on December 21, 1999 entitled:

AN ORDINANCE granting CONSUMERS ENERGY 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, waterways and other public places, and to do a local gas business in the Township of Dexter, Washtenaw county, Michigan, for a period of five (5) YEARS.

and amendments, if any, to such ordinance whereby a gas franchise was granted to Consumers Energy Company.

**SECTION XI**

**EFFECTIVE DATE.** This ordinance shall take effect upon the day after the date of publication thereof; provided, 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.

  
Township Clerk

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### CLERK CERTIFICATION

I, HARLEY B. RIDER, Clerk of the Township of Dexter, a Michigan Township Corporation, do hereby certify that at a regular meeting of the Dexter Township Board, held at the Dexter Township Hall, 6880 Dexter-Pinckney Road, Dexter, Michigan 48130, in said Township at 7:00 p.m., Eastern Daylight Time, on the 17<sup>th</sup> day of April, 2012, that the above Ordinance was adopted and that the following Members were present: Kelly, Kooyers, Rider, Brushaber, Feinman, Lesser, Maciejewski

The following members were absent: None

That upon motion made by Feinman and seconded by Rider, said Ordinance was adopted on the following roll call vote:

AYES: Lesser, Feinman, Maciejewski, Kelly, Kooyers, Brushaber, Rider

NAYS: None

I certify that the annexed is a true and correct copy of the ordinance granting CONSUMERS ENERGY COMPANY, a gas franchise, as adopted by the Township Board at a regular meeting on the 17<sup>th</sup> day of April, 2012.

I further certify that on the 20<sup>th</sup> day of April, 2012, an acceptance of said Ordinance by Consumers Energy Company was filed with me as Township Clerk and that I have compared the attached copies with the original records in my office, and that the same are true and correct transcripts therefrom.

I further certify that on the 26<sup>th</sup> day of April, 2012, I caused a copy of said Ordinance to be published in the Dexter Leader and Chelsea Standard, newspapers circulated in the Township of Dexter, and that said Ordinance and the record of publication was duly recorded in the Book of Ordinances of the Township of Dexter, is effective on the 27<sup>th</sup> day of April, 2012, and is available for public use and inspection at the offices of the Dexter Township Clerk, 8660 Dexter-Pinckney Road, Dexter, Michigan 48130 during regular business hours.

I further certify that the above and foregoing ordinance is identical in form with that recorded in the Book of Ordinances for Dexter Township.

  
HARLEY B. RIDER, Township Clerk

Dated: 20 April 2012

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