

**ORDINANCE NO. 3**  
**MI CONSOLIDATED GAS**

AN ORDINANCE, granting to MICHIGAN CONSOLIDATED GAS 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 PLAINFIELD, Iosco County, MICHIGAN for a period of thirty years.

**THE TOWNSHIP OF PLAINFIELD ORDAINS:**

**Section 1. Grant of Gas Franchise and Consent to Laying of Pipes, Etc.**

Subject to all the terms and conditions mentioned in this ordinance, consent is hereby given to Michigan Consolidated Gas Company, a corporation organized under the laws of the State of Michigan (the "Company"), and to its successors and assigns, to lay, maintain, operate and use gas pipes, mains, conductors, service pipes and other necessary equipment in the highways, streets, alleys and other public places in the Township of Plainfield, Iosco County, Michigan, and a franchise is hereby granted to Michigan Consolidated Gas Company, its successors and assigns, to transact local business in said Township of Plainfield, for the purpose of conveying gas into and through, and supplying and selling gas in said Township and all other matters incidental thereto.

**Section 2. Gas Service and Extension of System**

If the provisions and conditions herein contained are accepted by the Company, as in Section 6 hereof provided, then the Company shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations; and provided further that such installation any extensions shall be subject to the Main Extension provisions, the Area Expansion Program provisions ( if and where applicable), and other applicable provisions nor or from time to time hereafter contained in the Company's Rules and Regulations for Gas Service as filed with the Michigan Public Service Commission or successor agency having similar jurisdiction.

**Section 3. Use of Streets and Other Public Places**

The Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys or other public places within said Township of Plainfield and shall within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition as before the opening or excavation was made. The Company, shall relocate, adjust or remove trunk lines or lateral mains to accommodate public purposes as determined by the Highway Commissioners or other designee of the Township of Plainfield. The Company, its successors and assigns, shall use due care in exercising the privileges herein contained and shall be liable to, and shall indemnify, said Township for all damages and costs which may be recovered against said Township arising from the default, carelessness or negligence of the Company or its officers, agents and servants, and shall further indemnify the Township of Plainfield for any loss, costs or expense of defending itself in any action brought against it as a result of a claim of negligence or carelessness of the Company, its employees, officers, agents and servants.

No road, street, alley, public parking lot, or highway, or other public place, shall be opened for the laying of trunk lines or lateral mains except upon application to the Highway Commissioner or the Township of Plainfield or other authority having jurisdiction in the premises, stating the nature of the proposed work and the route. Upon receipt of such application, it shall be the duty of the Highway Commissioners or Township Board, or such other authority as may have jurisdiction, to issue a permit to the Company to do the work proposed.

#### **Section 4. Standards and Conditions of Service; Rules, Regulations and Rates**

The Company is now under the jurisdiction of the Michigan Public Service Commission to the extent provided by statute, and the rates to be charged for gas, and the standards and conditions of service hereunder, shall be the same as set forth in the Company's schedule of rules, regulations and rates as applicable in the several cities, villages, and townships in which the Company is now rendering gas service, or as shall hereafter be validly prescribed for the Township of Plainfield under the orders, rules and regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises.

#### **Section 5. Successors and Assigns**

The words "Michigan Consolidated Gas Company" and "the Company", wherever used herein, are intended and shall be held and construed to mean and include both Michigan Consolidated Gas Company and its successors and assigns, whether so expressed or not.

#### **Section 6. Effective Date: Term of Franchise Ordinance; Acceptance by Company**

This ordinance shall take effect the day following the date of publication thereof, which publication shall be within thirty (30) days after the date of its adoption, and shall continue in effect for a period of thirty (30) years thereafter, subject to revocation at the will of the Township of Plainfield at any time during said thirty (30) year period; provided, however, that when this ordinance shall become effective the Township Clerk shall deliver to the Company a certified copy of the ordinance accompanied by written evidence of publication and recording thereof as required by law and the Company shall, sixty (60) days after receipt of the above documents, file with the Township Clerk its written acceptance of the conditions and provisions hereof.

#### **Section 7. Effect and Interpretation of Ordinance**

All ordinances and resolutions, and parts thereof, which conflict with any of the terms of this ordinance are hereby rescinded. In the case of conflict between this ordinance and any such ordinances or resolutions, this ordinance shall control. The catch line headings which precede each Section of this ordinance are for convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this ordinance.

Ayes: Kimmerer, Caverly, Caton, Shellenbarger & Freitag

Nays: None

Date Passed: October 11, 1995

Attested, by Order of the Township of Plainfield

Signed by Kathy Freitag, Township Clerk & Joseph Kimmerer, Township Supervisor

**Proof of Publication**

STATE OF MICHIGAN            )  
  )  SS:  
COUNTY OF IOSCO            )

Neal R. Miller, being first duly sworn, deposes and says that he/she is the editor of the Iosco County News Herald, a newspaper published in the English language for the dissemination of local or transmitted news and intelligence of a general character and legal news, which is a duly qualified newspaper, and which is circulated within the Township of Plainfield, County of Iosco, State of Michigan, and that annexed hereto is a printed ordinance taken from said newspaper, in which the same was published on October 25, 1995.

(Signed by Neil Miller)

Subscribed and sworn to before me this 25<sup>th</sup> day of October, 1995.

(Signed by Eileen C. Brewer)  
Notary Public, A Resident of  
Iosco County, Michigan.  
My Commission Expires: 09/10/1999



PROCEDURAL CHECKLIST

Date of Passage of Ordinance: October 11, 1995

Members Voting Aye:

Kimmerer

Caverly

Caton

Shellenbarger

Freitag

Members Voting Nay:

Date of Publication of the Ordinance: October 25, 1995

Newspaper In Which Publication Was Made: Iosco Co. News Herald

STATE OF MICHIGAN                    )  
  )     SS:  
COUNTY OF IOSCO                    )

I, the undersigned, being the duly elected, qualified and acting Clerk of the Township of Plainfield, County of Iosco, and State of Michigan, do hereby certify that the foregoing ordinance was duly adopted by the Township Board of the Township of Plainfield as hereinabove set forth; and that said Ordinance was duly published on the date indicated above by the insertion of a true copy thereof in the Iosco Co News Herald, which is a duly qualified newspaper circulating within the Township of Plainfield.

In Testimony Whereof, I have hereunto set my hand this 30<sup>th</sup> day of October, 1995.

(Signed by Kathy Freitag)  
Township Clerk

## **ORDINANCE NO. 3**

### **MI CONSOLIDATED GAS**

#### **THE TOWNSHIP OF PLAINFIELD ORDAINS:**

##### **Section 1.**

Subject to all the terms and conditions mentioned in this ordinance, consent is hereby given to Michigan Consolidated Gas Company, a corporation organized under the laws of the State of Michigan, and to its successors and assigns, to lay, maintain, operate and use gas pipes, mains, conductors, service pipes and other necessary equipment in the highways, streets, alleys and other public places in the Township of Plainfield, Iosco County, Michigan, and a franchise is hereby granted to Michigan Consolidated Gas Company, its successors and assigns, to transact a local business in said Township of Plainfield, for the purpose of conveying gas into and through, and supplying and selling gas in said Township and all other matters incidental thereto.

##### **Section 2.**

This franchise is conditioned on the commencement of construction by Michigan Consolidated Gas Company of a gas main within the boundaries of the Township of Plainfield on or before October 1, 1966. If such construction does not commence on or before that date this franchise shall terminate as more specifically provided in Section 6 hereof. Upon commencement of the installation of a gas main within the time specified, the Company shall proceed to complete the same as soon thereafter as reasonably practicable; provided, however, that the Company shall not be held responsible for delays due to weather or labor conditions, inability to procure necessary materials, or other causes beyond its control; and provided further, that such initial installation and all extensions shall be subject to the Main Extension provisions contained in the Company's Rules and Regulations for Gas Service as approved by the Michigan Public Service Commission.

##### **Section 3.**

Michigan Consolidated Gas Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys or other public places within said Township and shall within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition as before the opening or excavation was made. The Company, its successors and assigns, shall use due care in exercising the privileges herein contained and shall be liable to said Township for all damages and costs which may be recovered against said Township arising from the default, carelessness or negligence of the Company or its officers, agents and servants.

No road, street, alley or highway shall be opened for the laying of trunk lines or lateral mains except upon application to the Highway Commissioner or Township Board, or other authority having

jurisdiction in the premises, stating the nature of the proposed work and the route. Upon receipt of such application, it shall be the duty of the Highway Commissioner or Township Board, or such other authority as may have jurisdiction, to issue a permit to the Company to do the work proposed.

**Section 4.**

The Company is now under the jurisdiction of the Michigan Public Service Commission to the extent provided by statute, and the rates to be charged for gas, and the standards and conditions of service hereunder, shall be the same as now set forth in the Company's Schedule of Rules, Regulations and Rates as applicable in the City of Clare, or that shall hereafter be validly prescribed for the Township of Plainfield under the orders, rules and regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises.

**Section 5.**

The words "Michigan Consolidated Gas Company" and "the Company", wherever used herein, are intended and shall be held and construed to mean and include both Michigan Consolidated Gas Company and its successors and assigns, whether so expressed or not.

**Section 6.**

This ordinance shall take effect immediately after the date of publication thereof, which shall be within ten (10) days after the date of its adoption, and shall continue in effect for a period of thirty (30) years thereafter, subject to revocation at the will of the Township at any time during said thirty (30) year period and subject to the condition that if the Company shall fail to commence the installation of a gas main in the Township within the time provided in Section 2 hereof, then this ordinance and the franchise hereby granted shall, without further action on the part of the Township, become null and void and of no further force or effect; provided, however, that when this ordinance shall become effective the Township Clerk shall deliver to the Company a certified copy of the ordinance accompanied by written evidence of publication and recording thereof as required by law and that Michigan Consolidated Gas Company shall, within sixty (60) days after the date of the adoption of this ordinance, file with the Township Clerk its written acceptance of the conditions and provisions hereof.

STATE OF MICHIGAN            )  
  )  
COUNTY OF IOSCO            )            SS  
  )  
TOWNSHIP OF PLAINFIELD )

I, the undersigned, being the duly elected, qualified and acting Clerk of the Township of Plainfield, County of Iosco and State of Michigan, do hereby certify that the attached Ordinance No. 3 is a true and correct copy of the Ordinance adopted by the Township of Plainfield at a meeting of the Township Board legally called and held on the 9<sup>th</sup> day of February, 1966.

I further certify that said Ordinance No. 3 was properly enrolled and authenticated in the Record of Ordinances book of the Township of Plainfield in the manner required by law.

I further certify that a true and correct copy of said Ordinance No. 3 was published according to law in the Tawas Herald, a newspaper of general circulation in the Township of Plainfield on the 16<sup>th</sup> day of February, 1966.

I do further certify that on 21<sup>st</sup> day of February, 1966 there was entered in the Record of Ordinances book, immediately below the record of said Ordinance, a certificate indicating the date of publication of said Ordinance and the name of the newspaper in which such publication was made.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Township of Plainfield, this 21<sup>st</sup> day of February, 1966.

(SEAL)

(Signed by Shirla Vee Kesler)  
Clerk of the Township of Plainfield