

ORDINANCE #23

CITIZENS GAS FUEL COMPANY FRANCHISE ORDINANCE

AN ORDINANCE, granting to Citizens Gas Fuel Company, its successors, lessees, and assigns, the right and authority to use the streets, avenues, lanes, alleys, bridges, public highways and other public places in Sections 1 through 36, all in Rollin Township, for the purpose of constructing, laying, maintaining, extending, and operating gas mains, pipes, conduits, services and other apparatus, appurtenances and equipment for the selling and distribution of gas and selling gas service to the inhabitants of Rollin Township, and the distribution of gas to any territory outside the said Township limits, for a period of 30 years, and fixing the rates to be effective with the Township.

THE TOWNSHIP OF ROLLIN ORDAINS:

SECTION 1: GRANT. TERM. The Township of Rollin, Lenawee County, Michigan, hereby grants the right, power and authority to the Citizens Gas Fuel Company, its successors and assigns, hereinafter called the "Grantee", to construct and maintain the necessary facilities for the sale and distribution of gas, and to make all necessary excavations, and to construct, lay, maintain, extend and operate in, over, under and through the present and future streets, avenues, lanes, alleys, bridges, public highways, and other public places, except the cemeteries located in Rollin Township without the specific prior written consent of the Rollin Township Board and pursuant to such terms and conditions required by the said Township Board, gas mains, pipes, services, conduits, and other apparatus, appurtenances and equipment necessary or incidental to the sale and distribution of gas in the Township of Rollin, Lenawee County, Michigan, and the distribution of gas to any territory outside the said Township limits, for a period of thirty years.

SECTION 2: CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the Franchise granted by the electors of the Township of Rollin, Lenawee County, Michigan to the Grantee.

SECTION 3: CONDITIONS. All of Grantee's gas mains, pipes and conduits and other apparatus shall be so placed as not to unnecessarily interfere with the use thereof the highways, streets, and alleys. The Grantee shall at all times obey and comply with all lawful ordinances or statutes of the Township of Rollin, the County of Lenawee, and the State of Michigan, now in force or which shall hereinafter be passed, relative to the opening of streets, alleys and highways or for excavating, or for other purposes by public service corporations, and shall at all times obey and comply with all lawful statutes, ordinances and provisions relative to safeguarding and protecting traffic and the public, now in force or which shall hereafter be passed; and Grantee shall, after installation, repair or maintenance of its gas lines or services, restore the surface of the grounds under which the lines or services have been laid, to their original condition insofar as such is reasonably possible. Grantee shall have the right to make reasonable rules and regulations for the conduct of its business and the rendering of service in accordance with the laws of the State of Michigan and the rules and regulations of the Michigan Public Service Commission and shall file said rules and regulations with the Clerk of Rollin Township.

SECTION 4: HOLD HARMLESS. Grantee shall at all times fully indemnify and save Rollin Township free and harmless for any and all damage, loss, cost and expense to which it may be subject by reason of the construction, laying, extending, repairing, maintaining or using of said gas mains, pipes, conduits, services, apparatus, appurtenances, attachments, equipment and facilities hereby authorized. In the event any action is commenced against Rollin Township on account of the grant herein, said Grantee shall, upon notice, defend Rollin Township and fully indemnify and save it free and harmless from all loss, expense, cost and damage arising out of such construction, operation or maintenance.

SECTION 5: RATES. Grantee shall be entitled to charge the inhabitants of Rollin Township for gas and service furnished therein, the rates charged from time to time in the City of Adrian, Michigan, for like service, and the same discounts shall be allowed the inhabitants of Rollin Township as discounts allowed in the City of Adrian, Michigan. Said rates and services shall be governed by the Michigan Public Service Commission or its successor authority.

SECTION 6: FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 7: TERMINATION. The franchise granted by the electors of Rollin Township and governed by this ordinance is subject to termination by either Rollin Township or the Grantee as provided by the laws of the State of Michigan.

SECTION 8: STATE OF MICHIGAN AND MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Grantee shall comply with the laws of the State of Michigan and the rules and regulations of the Michigan Public Service Commission or its successor authority.

SECTION 9: REPEALER. This franchise ordinance, when accepted and published as herein provided shall repeal and supersede the provisions of any other franchise ordinance heretofore granted to Citizens Gas Fuel Company or its predecessors.

SECTION 10: SEVERABILITY. Should any court of competent jurisdiction within the State of Michigan determine that any part, sentence, paragraph, section, subsection, phrase or clause of this Ordinance is unconstitutional, void, voidable, unenforceable or invalid, the remaining provisions of this Ordinance shall be deemed separate, distinct and valid in all respects from said provision.

SECTION 11: EFFECTIVE DATE. This ordinance shall take effect 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 Rollin Township and said Grantee.

CLERK'S CERTIFICATE OF PUBLICATION

The foregoing ordinance was duly adopted and passed by the Township Board of Rollin Township, Lenawee County Michigan, on the 14th day of April, 1992 by the following vote:

Roy E. Walker	<u>yes</u>
Supervisor	<u>yes or no</u>
Constance M. Mc Gannon	<u>yes</u>
Township Clerk	
Freda Kisner	<u>yes</u>
Township Treasurer	
Raymond Mc Grath	<u>yes</u>
Township Trustee	
Doris Wizranda	<u>yes</u>
Township Trustee	

I further certify that the foregoing ordinance was published in the Exponent, a newspaper of general circulation in the above Township, on the 15th day of September 1992.

Constance M. Mc Gannon

Constance M. Mc Gannon  
Rollin Township Clerk