

ORDINANCE NO. 12

AN ORDINANCE GRANTING TO MICHIGAN GAS AND ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO ACQUIRE, CONSTRUCT, OWN, MAINTAIN, OPERATE, AND USE IN THE STREETS, ALLEYS AND PUBLIC PLACES OF THE TOWNSHIP OF CHIKAMING, COUNTY OF BERRIEN, STATE OF MICHIGAN, AND ITS SUCCESSORS, FOR THE PRODUCTION, DISTRIBUTION, TRANSMISSION AND SALE OF GAS FOR HEATING, FUEL, POWER, ILLUMINATION AND OTHER PURPOSES, AND TO LAY AND MAINTAIN UNDER AND ALONG THE PUBLIC STREETS, AVENUES, ALLEYS AND PUBLIC PLACES WITHIN THE SAID TOWNSHIP OF CHIKAMING, A SYSTEM OF MAINS, PIPES, CONDUCTORS, AND OTHER NECESSARY AND CONVENIENT DEVICES FOR THE CARRYING ON OF SAID BUSINESS.

THE TOWNSHIP OF CHIKAMING, COUNTY OF BERRIEN, STATE OF MICHIGAN, ORDAINS:

Section 1. The Michigan Gas and Electric Company, its successors and assigns, hereinafter called the grantee, are hereby granted the right, privilege, franchise, power and authority to acquire, construct, own, maintain, operate and use in said Township of Chikaming, County of Berrien, State of Michigan, a plant or plants and facilities for the production, distribution, transmission and sale of gas for heat, fuel, power, illumination and other purposes and to lay and maintain in, on, under, along, and across public streets, avenues, alleys, bridges, highways, roads, and other public places within the said Township of Chikaming, County of Berrien, State of Michigan, as now established or may be hereafter established, a system of mains, pipes, conductors and other necessary and convenient appurtenances and devices appropriate to and for the purpose of the production, distribution, transmission and sale of gas to the said Township of Chikaming, County of Berrien, State of Michigan, and the inhabitants thereof and to persons, firms, and corporations beyond the limits thereof, and to do a local business therein, subject to such reasonable regulations as shall be prescribed from time to time by the Township Board of the said Township.

Section 2. The mains, pipes, conductors, and other appurtenances and devices necessary for the carrying on of the business of the grantee herein named, shall be so laid, maintained, repaired or renewed so that they will not injure or interfere with any sewer, catch basin, drain, culvert, water pipe, conduit and other underground structure now in any public street, avenue, alley, highway, road, or other public place in said Township of Chikaming, County of Berrien, State of Michigan. The grantee shall make such extensions to its system within such Township as shall be reasonably required from time to time, and as authorized by the Michigan Public Service Commission.

Section 3. All of said mains, pipes, conductors and other appurtenances and devices shall be laid, maintained, repaired or renewed by the grantee in accordance with the standard rules of the Michigan Public Service Commission for the maintenance, construction and operation of gas plants, transmission and distribution systems and the grantees herein shall, upon request and without charge therefor, subject to the rules and regulations of the grantee, as approved by the said Michigan Public Service Commission, connect all service pipes of consumers and prospective consumers with the mains and pipes of the Company in all avenues, streets, and alleys where any of such mains or pipes are laid or to which they are or may be extended.

Section 4. The grantee^{herein} shall save and keep the said Township of Chikaming, County of Berrien, State of Michigan, harmless from any and all claims for damages to persons or property by reason of the construction, maintenance and operation of said plant and system and the use of the streets, avenues, alleys, highways, roads, and public places in said Township of Chikaming, County of Berrien, State of Michigan, therefor, and shall reimburse the said Township of Chikaming for its reasonable cost or expense for repairing any and all depressions or defects which may

exist or develop in that portion or portions of the streets, avenues, alleys, highways, roads, or public places over any tunnel or excavation made by grantee within three (3) years prior to such repairs and which may be caused by such tunnel and excavation, provided that the said Township of Chikaming, shall first have notified the grantee of such depressions or defects and the grantee shall have failed to repair the same for the period of ten (10) days after such notice.

Section 5. The grantee shall fix reasonable rates and charges subject to approval of the Michigan Public Service Commission for such gas sold by it in doing a local business within said Township of Chikaming, County of Berrien, State of Michigan, and such rates, charges, rules, regulations, conditions of service and the quantity, quality and pressure of the gas furnished to consumers shall at all times be subject to the jurisdiction and approval of the Michigan Public Service Commission or other authorized state or federal regulatory body having jurisdiction thereof. Either the Township of Chikaming or the grantee herein may make applications to any such authorized regulatory body for a review and adjustment of rates to be charged by the grantee for the services rendered by the said grantee in such Township of Chikaming and of any rule or regulation fixing the quantity, quality and pressure of gas to be furnished by the grantee or of any rules, regulations or conditions of service under the provisions of this ordinance.

Section 6. When any street, alley, avenue, highway, road or other public place shall be opened or broken for the purpose of making excavations or trenches in construction, operating, extending or maintaining said plant and business such street, alley, avenue, highway, road or public place shall be restored by said grantee to the same or as nearly as possible the same condition as before such breaking or opening. The restoration shall be done with all possible dispatch and promptness.

Section 7. Said grantee shall in every case, and at all times, protect all excavations, trenches and dangerous places made in constructing, maintaining, extending and operating said plant and business in such manner as to prevent accidents, and all such excavations, trenches and dangerous places shall be allowed to remain open only such length of time as may be absolutely necessary; and said grantee shall also erect all necessary barriers, guards and signals; and shall maintain such signal lights as may be necessary to protect persons from danger on account of any such excavations, trenches and dangerous places.

Section 8. Whenever the word "gas" is used in this ordinance it shall be construed to mean manufactured gas, natural gas, or any mixture or combination of the same.

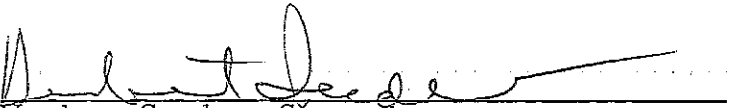
Section 9. The rights, privileges and franchise hereby granted shall be in force and effect for a period of thirty (30) years from the date of the passage of this franchise.

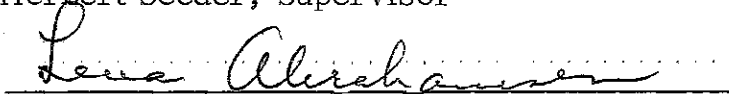
The rights, privileges and franchise hereby granted shall not be construed to be exclusive and the Township Board of the Township of Chikaming, County of Berrien, State of Michigan, hereby reserves the power to grant similar rights, privileges and franchises to any other person or persons, firm or firms, corporation or corporations.

Section 10. This franchise shall be accepted by the Grantee within sixty (60) days from the date of the adoption of this ordinance.

Section 11. This ordinance shall take effect after acceptance by the grantee and when confirmed by a vote of more than one-half of the electors voting thereon at an election duly called.

Dated: March 18th, 1965.


Herbert Seeder, Supervisor


Lena Abrahamsen, Clerk

PROOF OF PUBLICATION

I, Lena Abrahamsen, Township Clerk of Chikaming, Berrien County, Michigan, do hereby certify that notice of the adoption of the foregoing ordinance was publicly given by publishing a true copy thereof in the St. Joseph Herald Press, a newspaper of general publication and circulation in this area, on the 23rd, March, 1965.


Lena Abrahamsen, Clerk