

ORDINANCE NO. 5

CONSUMERS POWER COMPANY GAS FRANCHISE ORDINANCE

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 FOREST, MISSAUKEE COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF FOREST ORDAINS:

SECTION 1. GRANT, TERM. The Township of Forest, Missaukee County, Michigan, hereby grants to the Consumers Power 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 and other public places, and to do a local gas business in the Township of Forest, Missaukee County, Michigan 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 terms hereof.

SECTION 3. CONDITIONS. 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 4. 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 5. 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.

SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

SECTION 7. 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 8. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9. 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 10. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof; provided, however, 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 FRANCHISE

At a Regular meeting of the Township Board of the Township of Forest, Missaukee County, Michigan, duly called and held on the 1st day of July, 1991, there were present:

DONALD ROBERTS, Supervisor,

EUGENE PITTS, Township Clerk

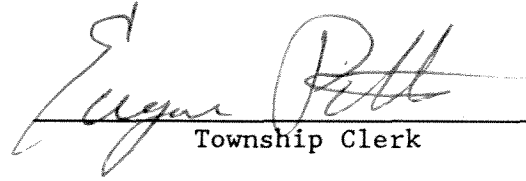
Jeki M'Gee, Township Treasurer

DONALD BARD, Township Trustee

_____, Township Trustee.

The following ordinance was offered by BARD
and supported by M'Gee:

I hereby certify that the acceptance, of which the foregoing is a true copy, was filed with me as Township Clerk, on the 1st day of July, 1991.



Township Clerk

Dated: July 1, 1991.

ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF FOREST, MISSAUKEE COUNTY, MICHIGAN:

The Consumers Power Company hereby accepts the franchise granted to it by your Board, on the 1st day of July, 1991, which said franchise is entitled as follows:

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 FOREST, MISSAUKEE COUNTY, MICHIGAN, for a period of thirty years.

CONSUMERS POWER COMPANY

By 

P A Elbert, Vice President
Marketing, Rates and Wholesale Power
Transactions

Dated: July , 1991.

STATE OF MICHIGAN)
 : SS
COUNTY OF MISSAUKEE)

I, Eugene Pitts, Township Clerk of the Township of Forest, Missaukee County, Michigan, do hereby certify that the annexed is a true and correct copy of all of the proceedings of the Township Board of said Township, with reference to the granting of a franchise to Consumers Power Company.

I further certify that the within acceptance of said franchise is a true and correct copy of the acceptance duly filed in my office; that I have compared the within copies with the original records in my office, and that the same are true and correct transcripts therefrom.

I further certify that the franchise ordinance was duly published, as appears by proof thereof on file in my office and that all of said proceedings were regular and in accordance with all legal requirements.



Township Clerk

July 1, 1991.