

THE TOWNSHIP OF ELY
MARQUETTE COUNTY

FRANCHISE GRANTED TO
MICHIGAN GAS COMPANY

ORDINANCE NO. 1997-1

An Ordinance granting a franchise to Michigan Gas Company to construct, operate, and maintain in the public street, highways, alleys and other public places in the Township of Ely, Marquette County, Michigan, all needful and proper gas pipes, mains, conductors, service pipes and other apparatus requisite for the manufacture, transmission and distribution of gas for public and private use and to conduct a local business therein.

The Township of Ely Ordains:

Section 1. Grant of Franchise

Permission is hereby granted to Michigan Gas Company, a Michigan Corporation, and to its successors and assigns, to construct, operate and maintain in the public streets, highways, alleys and other public places in the Township of Ely, Marquette County, Michigan, all needful and proper gas pipes, mains, conductors, service pipes and other apparatus and facilities requisite for the manufacture, transmission and distribution of gas for all purposes to the Township of Ely, and the inhabitants thereof, and for conducting gas elsewhere to supply neighboring cities, villages and other territories supplied with gas by said Grantee, subject, however, to all conditions and restrictions hereinafter contained.

Section 2. Conditions

The conditions of the foregoing grant are as follows:

- A. The Grantee shall do no injury to any street, highway, alley or other public place, or to any shade tree, or in any manner disturb or interfere with any water transmission and distribution lines of with any public or private sewer now or hereafter laid or constructed by any authorized person or corporation.
- B. All construction work done under this grant shall be under the supervision of the designated representative of the Grantor and shall be subject to inspection and approval by the designated representative of the Township of Ely as to location within the right-of-way. The Grantee shall pay cost of such inspection and approval.

- C. The Grantee, before entering upon any street, alley, easements for public utility purposes or other public place to install pipes, mains, or other apparatus, shall notify the Township of Ely or its designated representative of the proposed construction and shall, if the Township of Ely so requires, file with the Township of Ely a sufficient plan or map and shall obtain the representative's approval thereof before beginning construction.
- D. No street, alley, highway or public place shall be allowed to remain obstructed or encumbered by the construction work of said Grantee for a longer period than shall be reasonably necessary to execute said work, and the Grantee shall, at all times, conform to all applicable ordinances and regulations of the Township of Ely now or hereafter in force.
- E. The Grantee shall indemnify, hold the Township of Ely harmless and defend it against any claim, action or demand that may be asserted against the Township of Ely by reason of wrongdoing or negligence of the Grantee in the construction or maintenance of its gas mains, pipes or other apparatus, or any claim or actionable construction or maintenance of its gas mains, pipes or other apparatus, or any claim or actionable consequence resulting from this nonexclusive grant of Franchise.

Section 3. Rules, Regulations and Rates

The rules and regulations applicable to the service, the quality of the gas furnished, and the rates charged therefor by the Grantee herein, its successors and assigns, shall be as fixed from time to time by the Michigan Public Service Commission or other such state authority as shall have jurisdiction of the subject matter, reserving, however, the right of the Township of Ely to object thereto.

Section 4. Regulation of Streets, Alleys and Public Places

Nothing in this grant shall be construed to alienate the title of the public in and to any street, highway, alley or public place, or any portion thereof, neither shall anything herein be construed in any manner as a surrender by the Township of Ely of its legislative power with respect to the subject matter hereof, or with respect to any other matter whatsoever; not as in any manner limiting the right of said Township of Ely to regulate the use of any street, avenue, highway or public place within its jurisdiction.

Section 5. Assignment of Franchise

The Grantee shall not assign this Franchise to any person, firm or corporation without the prior approval of the Ely Township Council and unless the assignee is, in the opinion of the management of Michigan Gas Company, financially able to carry out the Grantee's obligations

under the Franchise and is authorized by the Michigan Public Service Commission, or such other State authority as shall then have jurisdiction of the subject matter so to do.

Section 6. Effective Date

This Ordinance shall take effect upon its publication and the filing of Grantee's written acceptance with the Township of Ely Clerk and shall remain in effect for a period of thirty (30) years following its confirmation by a majority of the electors of Township of Ely voting thereon.

Introduced and Adopted March 12, 1997.

Ted A. Pepin
Supervisor

David J. Bleau
Clerk

Certification

I hereby certify that the Ordinance of which the foregoing is a true copy, was introduced and adopted March 12, 1997, and was published on March 12, 1997.

David J. Bleau
Dated: 03/12/1997