

THE CHARTER TOWNSHIP OF GARFIELD  
MICHIGAN CONSOLIDATED GAS COMPANY GAS FRANCHISE  
ORDINANCE NO. 35

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 Charter Township of Garfield, Grand Traverse County, Michigan for a period of thirty years.

THE CHARTER TOWNSHIP OF GARFIELD  
GRAND TRAVERSE COUNTY, MICHIGAN  
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 Charter Township of Garfield, Grand Traverse County, Michigan, and a franchise is hereby granted to the Company, its successors and assigns, to transact local business in said Charter Township of Garfield for the purposes of conveying gas into and through and supplying and selling gas in said Charter Township of Garfield 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 initial installation and any extensions shall be subject to the Main Extension provisions, the Area Expansion Program provisions (if and where applicable), and other applicable provisions now 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 Charter Township of Garfield 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 Charter Township of Garfield for all damages and costs which may be recovered against Charter Township of Garfield 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 each authority having jurisdiction in the premises which may include the Grand Traverse County Road Commission, the Charter Township of Garfield and/or other municipal authority stating the nature of the proposed work and the route. Upon receipt of such application, it shall be the duty of the above mentioned authority/authorities 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 and operation 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 Charter Township of Garfield 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 made 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 Charter Township of Garfield at any time during said thirty (30) year period; provided, however, that when this ordinance shall become effective the Charter 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 the date this ordinance takes effect, file with the Charter Township Clerk its written acceptance of the conditions and provisions hereof.

Section 7. Effect and Interpretation of Ordinance. 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.

LEE F. WILSON, Supervisor  
KAY JACOBS, Clerk  
Charter Township of Garfield  
Passed by the Town Board on:  
December 9, 1993  
Drafted by:  
Running, Wise, Wilson, Ford &  
Phillips  
By: Kent E. Gerberding  
Township Attorneys  
Business Address:  
326 E. State Street  
P.O. Box 686  
Traverse City, MI 49684

\*

\*

\*

TO THE RECORD EAGLE:

Please publish on: December 14, 1993  
Please send affidavit to: Kent E. Gerberding and the  
Charter Township of Garfield  
Please send bill to: The Charter Township of Garfield

*Kim Hornyak  
12/10/93*



# Charter Township of Garfield

## Grand Traverse County

3848 VETERANS DRIVE  
TRAVERSE CITY, MICHIGAN 49684

LEE F. WILSON  
SUPERVISOR

KAY JACOBS  
CLERK

JUDY McMANUS  
TREASURER

BOB FEATHERSTONE, TRUSTEE  
DALE DOERR, TRUSTEE

JIM HARVEY, TRUSTEE  
LEO STRAIT, TRUSTEE

January 11, 1994

Mr. Chuck Lombardo  
Michigan Consolidated Gas Co.  
1011 Hastings Street  
Traverse City, MI 49684

Dear Mr. Lombardo:

Re: Michigan Consolidated Gas Company  
Franchise Ordinance No. 35

Enclosed are the Certificate of adoption and publication, and Proof of Publication from the Record Eagle with regard to the Michigan Consolidated Gas Company Franchise Ordinance No. 35.

Sincerely,

Kay Jacobs, Clerk

mej  
Enclosures



Proof of Publication

STATE OF MICHIGAN )  
 ) SS:  
COUNTY OF GRAND TRAVERSE )

M. E. NALL, being first duly sworn, deposes and says that he/she is the CONTROLLER of the TRAVERSE CITY RECORD EAGLE, 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 Garfield, County of Grand Traverse, State of Michigan, and that annexed hereto is a printed Ordinance taken from said newspaper, in which the same was published on December 14, 1993.

  
\_\_\_\_\_

Subscribed and sworn to before me this 6th day of January, 1994.

Mary M. Butler  
Notary Public, A Resident of  
GRAND TRAVERSE County, Michigan  
My Commission Expires: \_\_\_\_\_

MARY M. BUTLER  
NOTARY PUBLIC - GRAND TRAVERSE CO. MICH.  
MY COMMISSION EXPIRES 09-08-96

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 Charter Township of Garfield, Grand Traverse County, Michigan, and a franchise is hereby granted to the Company, its successors and assigns, to transact local business in said Charter Township of Garfield for the purposes of conveying gas into and through and supplying and selling gas in said Charter Township of Garfield 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 initial installation and any extensions shall be subject to the Main Extension provisions, the Area Expansion Program provisions (if and where applicable), and other applicable provisions now 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 Charter Township of Garfield 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 Charter Township of Garfield for all damages and costs which may be recovered against Charter Township of Garfield 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 each authority having jurisdiction in the premises which may include the Grand Traverse County Road Commission, the Charter Township of Garfield and/or other municipal authority stating the nature of the proposed work and the route. Upon receipt of such application, it shall be the duty of the above mentioned authority/authorities 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 and operation 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 Charter township of Garfield 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 made 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 Charter Township of Garfield at any time during said thirty (30) year period; provided, however, that when this ordinance shall become effective the Charter Township Clerk shall deliver to the Company a certified copy of the ordinance accompanied by written evidence of publication and recording thereof as rep- any shall, sixty (60) days after the date this ordinance takes effect, file with the Charter Township Clerk its written acceptance of the conditions and provisions hereof.

Section 7. Effect and Interpretation of Ordinance. 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.

Lee F. Wilson, Supervisor  
Kay Jacobs, Clerk  
Charter Township  
of Garfield  
Passed by the Town Board  
on: December 9, 1993  
Drafted by:  
Running, Wise, Wilson, Ford  
& Phillips  
By: Kent E. Gerberding  
Township Attorneys  
Business Address:  
326 E. State Street  
P.O. Box 686  
Traverse City, MI 49684  
Dec. 14, 1993 - 11

**THE CHARTER  
TOWNSHIP OF GARFIELD  
MICHIGAN CONSOLIDATED  
GAS COMPANY  
GAS FRANCHISE  
ORDINANCE NO. 35**

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 Charter Township of Garfield, Grand Traverse County, Michigan for a period of thirty years.

**THE CHARTER  
TOWNSHIP OF GARFIELD  
GRAND TRAVERSE  
COUNTY  
MICHIGAN  
ORDAINS:**

Section 1. Grant of Gas