

ORDINANCE NO. 102  
FRANCHISE

MICHIGAN GAS UTILITIES CORPORATION

AN ORDINANCE GRANTING TO MICHIGAN GAS UTILITIES CORPORATION, A DELAWARE CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER, AUTHORITY AND PERMISSION TO USE THE HIGHWAYS, STREETS, ALLEYS AND OTHER PUBLIC PLACES OF THE TOWNSHIP OF COVERT, COUNTY OF VAN BUREN, STATE OF MICHIGAN, FOR THE PURPOSE OF LAYING AND MAINTAINING GAS PIPES, MAINS, CONDUITS, VALVES, DRIPS AND ALL NECESSARY APPURTENANCES IN, UNDER AND ALONG THE HIGHWAYS, STREETS, ALLEYS AND OTHER PUBLIC PLACES, OF SAID TOWNSHIP, AND THE RIGHT, POWER AND PERMISSION TO CONDUCT AND OPERATE A GENERAL GAS BUSINESS AND DISTRIBUTION SYSTEM IN SAID TOWNSHIP OF COVERT, COUNTY OF VAN BUREN, STATE OF MICHIGAN FOR A PERIOD OF THIRTY (30) YEARS.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF COVERT, COUNTY OF VAN BUREN, STATE OF MICHIGAN HEREBY ORDAINS:

Section 1. Granting of Franchise to Use Highways, Streets, Alleys and Public Places. The Township of Covert, County of Van Buren, State of Michigan, (hereinafter called "Township"), hereby grants to Michigan Gas Utilities Corporation, a Delaware corporation, (hereinafter called "Grantee"), its successors and assigns, a franchise to use the highways, streets, alleys and other public places of the Township, for the purpose of constructing, maintaining and operating a gas distribution system in said Township with full right, power and authority to establish, construct, maintain, extend and operate a plant, stations, mains, pipes, conduits, valves, drips and all other appurtenances, apparatus and appliances within the corporate limits of the Township, for the purpose of supplying and distributing to said Township and its inhabitants gas for heating and other purposes and, for such purposes, to enter upon and use the highways, streets, alleys, and public lands of said Township and lay, maintain, operate, repair and extend therein, through and thereunder such mains, pipes, conduits,

valves, drips, apparatus, appliances and other appurtenances as may be necessary and proper for the distribution of gas throughout and beyond said Township and for the purpose of conducting and operating a gas business in said Township subject to the terms and conditions hereinafter provided.

Section 2. Non-Disturbance of Public Travel: Restoration: Construction Maintenance. In laying its pipes, mains and other appurtenances and repairing and maintaining the same, Grantee shall interfere as little as possible with public travel. After opening any portion of the highways, streets, alleys or other public place, Grantee shall within a reasonable time restore the same as nearly as possible to the same condition as prevailed before opening. While any portion of the highways, streets, alleys or other public place is open, Grantee shall maintain reasonable barriers and lights at night and other warnings to the users of said highways, streets, alleys or other public place.

Section 3. Hold Harmless. Grantee shall at all times hold Township harmless from any loss, damage and expense of any kind on account of the laying, constructing, maintenance, and use of said mains, pipes, conduits and other appurtenances. However, Grantee need not save the Township harmless from claims, losses and expenses arising out of the negligence of the Township, its employees or agents.

Section 4. Rates Established by Michigan Public Service Commission. The rates to be charged by Grantee and all rules of service shall be those which are established from time to time by the Michigan Public Service Commission or such other body which shall succeed to the jurisdiction, rights, powers and authority of said Commission.

Section 5. Term: Effective Date. The rights granted in this franchise shall continue in full force and effect for a period of thirty (30) years from the effective date thereof. The effective date of this franchise shall be the latter of the date of the acceptance of the franchise by Grantee, which acceptance shall be filed by the

Grantee, in writing, within sixty (60) days after the enactment of this ordinance or the day following the date of publication of the ordinance.

Section 6. Franchise Revocable: Irrevocability Upon Approval of Electors. The franchise herein granted shall be revocable at the will of the governing body of this Township, PROVIDED, however, that the same shall become irrevocable if and when confirmed by a majority of the electors voting upon the question at the next general election or at any special election called for that purpose. Such special election shall be held at the request of said Grantee.

Section 7. Expenses of Election Paid by Grantee. In the event of a special election, the expenses thereof shall be deposited with the Clerk of this Township by the Grantee.

Section 8. Repeal of Prior Ordinance. The Franchise Ordinance adopted by Township, known as Ordinance Number 34 and all amendments thereto, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

Section 9. Publication. The Township Clerk is hereby directed to cause a true copy of this ordinance to be published in the South Haven Daily Tribune, a newspaper circulating within the Township within thirty (30) days hereof.

Section 10. Recording of Ordinance. Within one (1) week after the publication of this ordinance, the Township Clerk shall record the ordinance in the Book of Ordinances kept by the Clerk for such purpose. Such record shall include the date of passage hereof, the names of the members voting hereon and how each member voted. An attested copy of the Ordinance shall also be filed with the Van Buren County Clerk within one (1) week after the publication.

Presented by: Marilyn Rendell

Seconded by: Daywi Cook

Voting in Favor: Marilyn Rendell

Daywi Cook

Lonzey Taylor

Jean Hartmann

Naomi Barnes

Voting Against: None

I hereby attest that the foregoing Ordinance was adopted by the Township Board of the Township of Covert, County of Van Buren, State of Michigan at a regular meeting held on the 14<sup>th</sup> day of March, 2023.

Dated: March 17, 2023

*Naomi Barnes*  
Covert Township Clerk

I further certify that the foregoing Ordinance was published and filed as follows:

Published in: South Haven Daily Tribune

Date of Publication: March 26, 2023

Date of Filing with the  
Van Buren County Clerk: March 31, 2023

Ordinance No.: 102

Date recorded in the Township  
Book of Ordinances: March 17, 2023

Dated: March 17, 2023

*Naomi Barnes*  
Covert Township Clerk