

THE CHARTER TOWNSHIP OF CHOCOLAY

Marquette County

Franchise Granted To
MICHIGAN GAS COMPANY

Ordinance No. 51

An Ordinance granting a franchise to Michigan Gas Company (hereinafter referred to as "Grantee"), to construct, operate, and maintain in the public streets, highways, alleys and other public places in the Charter Township of Chocolay, 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 Charter Township of Chocolay Ordains:

Section 1. Grant Of Franchise. To the extent that it has the authority to do so, permission is hereby granted by the Charter Township of Chocolay 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 Charter Township of Chocolay, Marquette County, Michigan, all needful and proper gas pipes, mains, conductors, services pipes and other apparatus and facilities requisite for the manufacture, transmission and distribution of gas for all purposes to the Charter Township of Chocolay, 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 mains, pipes, conductors, and other appurtenances and devices necessary for the carrying on of the business of the Grantee shall be laid, maintained, repaired, or renewed so that they shall do no injury to any street, highway, alley or other public place, or to any shade tree, or in any manner disturb, injure, or interfere with any sewer, catch basin, drain, culvert, water transmission and distribution lines, conduits, and other underground utilities or structures now or hereafter laid or constructed by any authorized person or corporation in any public street, avenue, alley, highway, road, right-of-way, or other public place in the Charter Township of Chocolay, County of Marquette, State of Michigan.
- b. All construction work done under this grant shall be under the supervision of a designated representative of the Charter Township of Chocolay and, where necessary, the County of Marquette, and shall be subject to inspection and approval by such designated representative of the Charter Township of Chocolay and, where necessary, the County of Marquette, as to location within the right-of-way. The Grantee shall pay the 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, maintain, repair, or renew any pipes, mains, or other apparatus, shall notify the Charter Township of Chocolay and, where necessary, the County of Marquette or their designated representatives of the proposed construction and shall, if the Charter Township of Chocolay or the County of Marquette so require, file with the Charter Township of Chocolay and, where necessary, the County of Marquette a sufficient plan or map and shall obtain 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 Charter Township of Chocolay and, where necessary, the County of Marquette, now or hereafter in force.
- e. The Grantee shall indemnify, hold the Charter Township of Chocolay harmless and defend it against any claim, action or demand that may be asserted against the Charter Township of Chocolay 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 consequence resulting from this nonexclusive grant of Franchise.
- f. In the event that it shall become necessary to construct, widen, relocate, or repair any future or existing streets, avenues, alleys, highways, roads, and/or public places in the Charter Township of Chocolay, and such action shall reasonably necessitate the permanent or temporary relocation of existing pipes, mains, conductors, service pipes, or any other apparatus belonging to the Grantee, said Grantee shall, upon reasonable notice of such activity, relocate its equipment within said right-of-way, and shall bear all costs associated therewith.

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 Charter Township of Chocolay 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 Charter Township of Chocolay of its legislative power with respect to the subject matter hereof, or with respect to any other matter whatsoever; nor as in any manner limiting the right of said Charter Township of Chocolay 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 Township Board 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 this 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.

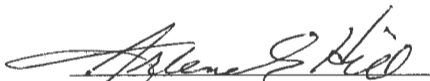
Section 6. Effective Date. This Ordinance shall take effect upon its publication and the filing of Grantee's written acceptance with the Charter Township of Chocolay Clerk and shall remain in effect for a period of thirty (30) years following its confirmation by a majority of the electors of the Charter Township of Chocolay voting thereon.

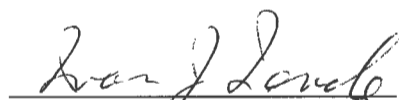
AYES: Fende, Hill, Greenberg, Wickstrom, Sherbinow, Engle, Bohjanen.
 NAYS: None.
 ABSENT: None.

ORDINANCE ADOPTED.

I hereby certify that this is the official true and accurate copy of Ordinance No. 51 - An ordinance to allow Michigan Gas Company a gas franchise in the Charter Township of Chocolay, Marquette County, Michigan. Ordinance was adopted by the Charter Township Board on May 20th, 1996.

Dated March 20, 1996.


 Arlene E. Hill, CMC
 Clerk, Charter Township of Chocolay


 Ivan J. Fende, Supervisor
 Charter Township of Chocolay

Dates of Publication in the "Mining Journal".

1. May 15, 1996.
2. June 27, 1996.