

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

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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 Hornyk*  
*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

CERTIFICATE

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

I, the undersigned, being the duly elected, qualified and acting Township Clerk of the Township of Garfield, County of Grand Traverse, State of Michigan, do hereby certify that annexed hereto is a true, complete and correct copy of an ordinance duly adopted by the Township of Garfield, at a regular meeting thereof duly called and held on the 9th day of December, 1993, the original of which is recorded in the Book of Ordinances of the Township of Garfield.

I do hereby further certify that public notice of said meeting was given in the manner required by law, including the Open Meetings Act, 1976 PA 267, including in the case of a rescheduled meeting notice by publication or posting at least 18 hours prior to the time set for the meeting, and that the meeting was held and conducted in compliance with the provisions of said Act.

I do hereby further certify that said ordinance was introduced and published before final passage in accordance with PA 1947 No. 359.


I do hereby further certify that the Township of Garfield maintains a township office open to the public during regular hours on each business day, and that the Book of Ordinances is readily available to the public at the township office.

I do hereby further certify that said ordinance was published prior to passage and within thirty (30) days after the passage thereof, by causing a true, correct and complete copy thereof to be inserted in the Traverse City Record Eagle, a newspaper circulating within the Township of Garfield.

I do hereby further certify that immediately after the publication of the said ordinance as aforesaid, I duly recorded said ordinance in the Book of Ordinances of the Township of Garfield, together with the date of the passage of said ordinance, the names of the members voting thereon and how each member voted.

I do hereby further certify that I have duly certified, under the said ordinance in a blank space provided therefor in the Book of Ordinances of the Township of Garfield, the date of publication of said ordinance, and the name of the newspaper in which publication was made; and that annexed hereto is a true, correct and complete copy of such certificate as contained in the Book of Ordinances of the Township of Garfield.

In Testimony Whereof, I have hereunto set my hand this 11th day of January, 1993

  
LEE WILSON, SUPERVISOR

  
KAY JACOBS, CLERK

Proof of Publication

STATE OF MICHIGAN

COUNTY OF GRAND TRAVERSE

)  
) SS:  
)

M. C. 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.



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

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



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

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GRAND TRAVERSE  
COUNTY  
MICHIGAN  
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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