



Village of Freeport
Ordinance # 39

Consumers Energy Company Gas Franchise Ordinance

AN ORDINANCE granting to CONSUMERS ENERGY 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, waterways and other public places, and to do a local gas business in the VILLAGE OF FREEPORT, BARRY COUNTY, MICHIGAN, for a period of thirty years.

The Village of Freeport Ordains:

Section 1: Grant term

The Village of Freeport, Barry County, Michigan hereby grants to the Consumers Electric Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee", the right, power and authority to lay, maintain and operate gas mains, pipes and service son, along, across and under the highways, streets, alleys, bridges, waterways and other public places and to do a local gas business in the Village of Freeport, Barry County, Michigan for a period of thirty (30) years.

Section 2: Consideration

In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terns herein.

Section 3: Conditions

No highway, street, alleyway, bridge, waterway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair and shall be restored to the same order and condition as when said work was commenced. All of Grantees pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes.

Section 4: Hold Harmless

Said Grantee shall at all times keep and save the Village free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Village on account of the permission herein given, said Grantee shall, upon notice, defend the Village and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

Section 5: Extensions

Said grantee shall construct and extend its gas distribution system within said Village and shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations

Section 6: Franchise not Exclusive

The rights, power and authority herein granted are not exclusive. Either manufactured or natural gas may be furnished hereunder.

Section 7: Rates

Said Grantee shall be entitled to charge the inhabitants of said Village for gas furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate gas rates and rules regarding such service ins aid Village are herby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefore being made by either said Village, acting by its Village Council or by said Grantee.

Section 8: Revocation

The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation

Section 9: Michigan Public Service Commission Jurisdiction

Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public service Commission or its successors applicable to gas service in said Village.

Section 10: Effective date

This ordinance shall take effect upon the day after the date of publication thereof, provided, however, it shall cease and be of no effect after thirty days form its adoption unless within said period the Grantee shall accept the same in writing filed with the Village Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Village and said Grantee.

We certify that the foregoing Franchise Ordinance was duly enacted by the Village Council of the VILLAGE OF FREEPORT, BARRY COUNTY, MICHIGAN, on the 7th day of February, 2000.


Charles Blough, Village President

ACCEPTANCE

TO THE VILLAGE COUNCIL OF THE VILLAGE OF FREEPORT, BARRY COUNTY, MICHIGAN:

The CONSUMERS ENERGY COMPANY, hereby accepts the franchise granted to it by your Village Council, on the 7th day of February, 2000, which said franchise is entitled as follows:

AN ORDINANCE, granting to CONSUMERS ENERGY 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, waterways, and other public places, and to do a local gas business in the VILLAGE OF FREEPORT, BARRY COUNTY, MICHIGAN, for a period of thirty years.

CONSUMERS ENERGY COMPANY

By 
Carl L. English, President and CEO
Natural Gas Strategic Business Unit

Dated: 2-7, 2000.

CLERK CERTIFICATION

STATE OF MICHIGAN)
 : ss.
COUNTY OF BARRY)

I, Dawn Yarger, Village Clerk of the VILLAGE OF FREEPORT, BARRY COUNTY, MICHIGAN, DO HEREBY CERTIFY that the annexed is a true and correct copy of the ordinance granting CONSUMERS ENERGY COMPANY, a gas franchise, as adopted by the Village Council at a regular meeting on the 7th day of February, 2000.

I FURTHER CERTIFY that the acceptance, a copy of which is attached hereto, was filed with me as Village Clerk, on the 7th day of February, 2000; that I have compared the attached copies with the original records in my office, and that the same are true and correct transcripts therefrom.

I FURTHER CERTIFY that a copy of the foregoing ordinance was published, as appears by proof thereof on file in my office, in the Hastings Reminder, a newspaper circulated in the VILLAGE OF FREEPORT, BARRY COUNTY, MICHIGAN, on the 10th day of February, 2000; and that all of said proceedings were regular and in accordance with all legal requirements.



Dawn Yarger Village Clerk

Dated: February 10, 2000