

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE NO. 118

**MICHIGAN CONSOLIDATED GAS COMPANY GAS FRANCHISE
ORDINANCE**

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 SUPERIOR, WASHTENAW COUNTY, MICHIGAN for a period of thirty years.

THE CHARTER TOWNSHIP OF SUPERIOR ORDAINS:

Section 118-01. 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 Superior, Washtenaw County, Michigan, and a franchise is hereby granted to the Company, its successors and assigns, to transact local business in said Charter Township of Superior for the purposes of conveying gas into and through and supplying and selling gas in said Charter Township of Superior and all other matters incidental thereto.

Section 118-02. Gas Service and Extension of Systems. 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 118-03. 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 Superior 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 indemnify, defend and hold harmless the Charter Township of Superior from and against all claims, demands, damages and costs resulting from or alleged to have resulted from any act or omission of the Company, or its officers, agents, and servants.

Pursuant to the constitution and statutes of the State of Michigan, no road, street, alley, highway or other public place within the Township shall be opened by the Company for the laying of trunk lines or lateral mains until application has been made to the Charter Township of Superior and also to the Highway commissioners or other authority having jurisdiction in the premises, stating the nature of the work and the route, and until the consent of the Township and any such other authority has been received. Upon receipt of such application, it shall be the duty of the Charter Township Board and duty of the Highway Commissioners or such other authority as may have jurisdiction, to act promptly in reviewing such application and to signify its consent by granting a permit for the work unless there is a reasonable basis for refusing such consent and permit. It is understood that the location of gas pipelines and related structures when located within a right-of-way or utility easement not existing on the effective date of this Ordinance shall be subject to the provisions of the Zoning Ordinance of Superior Charter Township.

Section 118-04. 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 Superior under the orders, rules, and regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises.

Section 118-05. 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 118-06. 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 Superior 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 118-07. Effect and Interpretation of Ordinance. All ordinances and resolutions, and parts thereof, which conflict with any of the terms of this ordinance are hereby rescinded. 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.

November 15, 1993