

ORDINANCE NO. 186

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 AND ALLEYS OF THE CHARTER TOWNSHIP OF GUN PLAIN, COUNTY OF ALLEGAN, 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, AND ALLEYS OF SAID CHARTER TOWNSHIP AND THE RIGHT, POWER AND PERMISSION TO CONDUCT AND OPERATE A GENERAL GAS BUSINESS AND DISTRIBUTION SYSTEM IN SAID CHARTER TOWNSHIP OF GUN PLAIN, COUNTY OF ALLEGAN, STATE OF MICHIGAN FOR A PERIOD OF TEN (10) YEARS.

THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF GUN PLAIN, COUNTY OF ALLEGAN, STATE OF MICHIGAN HEREBY ORDAINS:

Section 1. Granting of Franchise to Use Highways, Streets, Alleys and Public Places. The Charter Township of Gun Plain, Allegan County, State of Michigan, (hereinafter called "Charter Township", "Township" or "Grantor"), hereby grants to Michigan Gas Utilities Corporation, a Delaware corporation (hereinafter called "Grantee"), its successors and assigns, a franchise to use the highways, streets and alleys of the Charter 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 Charter Township, for the purpose of supplying and distributing to said Township and its inhabitants gas for heating and other purposes

shall continue in full force and effect for a period of ten (10) 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 Charter 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 Charter Township by the Grantee.

Section 8. Repeal of Prior Ordinance. The Franchise Ordinance adopted by Grantor, known as Ordinance Number 111 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 Allegan County News Paper, a newspaper circulating within the Charter 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 Allegan County Clerk within one (1) week after the publication.

Presented by: Pearson

Seconded by: Morehouse

Voting in Favor: VanDenBerg

Meert

Morehouse

Gustafson

Horton

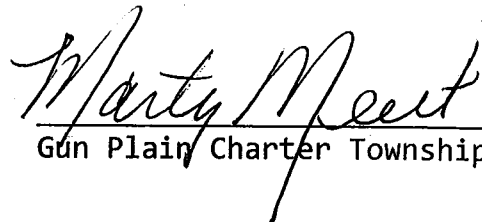
Pearson

Voting Against: None

Absent: Shannon

I hereby attest that the foregoing Ordinance was adopted by the Township Board of the Charter Township of Gun Plain, County of Allegan, State of Michigan at a regular meeting held on the 8 day of August, 2024.

Dated: 8-12-2024

  
Marty Meert  
Gun Plain Charter Township Clerk

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

Published in: Allegan County News

Date of Publication:  
(Newspaper Proof of  
Publication attached) 8-15-2024

Date of Filing with the  
Allegan County Clerk: 8-28-2024

Ordinance No.: 186

Date recorded in the  
Township Book of Ordinances: 8-12-2024

Dated: 8-12-2024

Marty Meert  
Gun/Plain Charter Township Clerk