

State of Michigan, County of Allegan

In the Matter of Michigan Gas Utilities / Martin Village

COUNTY OF ALLEGAN—ss.

RONALD W. CARLSON, being duly sworn, says: I am the co-publisher of The Penasee/Globe, a weekly newspaper printed and circulated in said county. The annexed is a printed copy of a notice which was published in said paper on the following dates, to-wit:

<u>10/5</u>	A.D. 19 <u>94</u>	<u> </u>	A.D. 19 <u> </u>
<u> </u>	A.D. 19 <u> </u>	<u> </u>	A.D. 19 <u> </u>
<u> </u>	A.D. 19 <u> </u>	<u> </u>	A.D. 19 <u> </u>



Subscribed and sworn before me this fifth
day of October A.D. 19 94 .

Notary Public, County, Michigan • Acting in Allegan County

My Commission Expires 11/15 A.D. 19 98

ORDINANCE NO. 52

FRANCHISE

MICHIGAN GAS UTILITIES

AN ORDINANCE GRANTING TO UTILICORP UNITED INC., A DELAWARE CORPORATION DOING BUSINESS IN THE STATE OF MICHIGAN UNDER THE ASSUMED NAME MICHIGAN GAS UTILITIES, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER, AUTHORITY AND PERMISSION TO USE THE HIGHWAYS, STREETS, ALLEYS AND OTHER PUBLIC PLACES OF THE VILLAGE OF MARTIN, 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, ALLEYS AND OTHER PUBLIC PLACES, OF SAID TOWNSHIP, AND THE RIGHT, POWER AND PERMISSION TO CONDUCT AND OPERATE A GENERAL GAS BUSINESS AND DISTRIBUTION SYSTEM IN SAID VILLAGE OF MARTIN, COUNTY OF ALLEGAN, STATE OF MICHIGAN FOR A PERIOD OF THIRTY (30) YEARS.

THE TOWNSHIP BOARD OF THE VILLAGE OF MARTIN, COUNTY OF ALLEGAN, STATE OF MICHIGAN HEREBY ORDAINS:

Section 1. Granting of Franchise to Use Highways, Streets, Alleys and Public Places. The Village of Martin, County of Allegan, State of Michigan, (hereinafter called "Grantor"), hereby grants to UtiliCorp United Inc., a Delaware corporation doing business in the State of Michigan under the assumed name Michigan Gas Utilities, (hereinafter call "Grantee"), its successors and assigns, a franchise to use the highways, streets, alleys and other public places of the Village of Martin, County of Allegan, State of Michigan, 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 Village of Martin, County of Allegan, State of Michigan, for the purpose of supplying and distributing to said Township and its inhabitants gas for heating and other purposes and, for such purposes, to enter upon and use the highways, streets, alleys, and public lands of said Township and lay, maintain, operate, repair and extend therein, through and thereunder such mains, pipes, conduits, valves, drips, apparatus, appliances and other appurtenances as may be necessary and proper for the distribution of gas throughout and beyond said Township and for the purpose of conducting and operating a gas business in said Township subject to the terms and conditions hereinafter provided.

Section 2. Non-Disturbance of Public Travel: Restoration: Construction: Maintenance. In laying its pipes, mains and other appurtenances and repairing and maintaining the same, Grantee shall interfere as little as possible with public travel. After opening any portion of the highways, streets, alleys or other public place, Grantee shall within a reasonable time restore the same as nearly as possible to the same condition as prevailed before opening. While any portion of the highways, streets, alleys or other public place is open, Grantee shall maintain reasonable barriers and lights at night and other warnings to the users of said highways, streets, alleys or other public place.

Section 3. Hold Harmless. Grantee shall at all times hold Grantor harmless from any loss, damage and expense of any kind on account of the laying, constructing, maintenance, and use of said mains, pipes, conduits and other appurtenances.

Section 4. Rates Established by Michigan Public Service Commission. The rates to be charged by Grantee and all rules of service shall be those which are established from time to time by the Michigan Public Service Commission or such other body which shall succeed to the jurisdiction, rights, powers and authority of said Commission.

Section 3. Hold Harmless. Grantee shall at all times hold Grantor harmless from any loss, damage and expense of any kind on account of the laying, constructing, maintenance, and use of said mains, pipes, conduits and other appurtenances.

Section 4. Rates Established by Michigan Public Service Commission. The rates to be charged by Grantee and all rules of service shall be those which are established from time to time by the Michigan Public Service Commission or such other body which shall succeed to the jurisdiction, rights, powers and authority of said Commission.

Section 5. Term: Effective Date. The rights granted in this franchise shall continue in full force and effect for a period of thirty (30) years from the effective date thereof. The effective date of this franchise shall be 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.

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 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 Township by the Grantee.

Section 8. Ordinance Effective Date. This ordinance shall take effect on the day following the date of publication of the ordinance.

Section 9. Publication. The Township Clerk is hereby directed to cause a true copy of this ordinance to be published in the Penasee Globe, a newspaper circulating within the Township within 30 days hereof.

Section 10. Recording of Ordinance. Within one 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 week after the publication.

Presented by: Member Flower

Seconded by: Member Porter

Voting in Favor: Pierce, Merrill, Brandon, MacVean, Flower, and Porter.

Absent: Brinkhuis.

We hereby attest that the foregoing Ordinance was adopted by the Village Council of the Village of Martin, County of Allegan, State of Michigan at a regular meeting held on the 19th day of September, 1994.

Dated: September 23, 1994

Robert Brandon, Martin Village President
Joyce Merrill, Martin Village Clerk

ORDINANCE NO. 52

FRANCHISE

MICHIGAN GAS UTILITIES

AN ORDINANCE GRANTING TO UTILICORP UNITED INC., A DELAWARE CORPORATION DOING BUSINESS IN THE STATE OF MICHIGAN UNDER THE ASSUMED NAME MICHIGAN GAS UTILITIES, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER, AUTHORITY AND PERMISSION TO USE THE HIGHWAYS, STREETS, ALLEYS AND OTHER PUBLIC PLACES OF THE VILLAGE OF MARTIN, 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, ALLEYS AND OTHER PUBLIC PLACES, OF SAID VILLAGE, AND THE RIGHT, POWER AND PERMISSION TO CONDUCT AND OPERATE A GENERAL GAS BUSINESS AND DISTRIBUTION SYSTEM IN SAID VILLAGE OF MARTIN, COUNTY OF ALLEGAN, STATE OF MICHIGAN FOR A PERIOD OF THIRTY (30) YEARS.

THE VILLAGE COUNCIL OF THE VILLAGE OF MARTIN, COUNTY OF ALLEGAN, STATE OF MICHIGAN HEREBY ORDAINS:

Section 1. Granting of Franchise to Use Highways, Streets, Alleys and Public Places. The Village of Martin, County of Allegan, State of Michigan, (hereinafter called "Grantor"), hereby grants to UtiliCorp United Inc., a Delaware corporation doing business in the State of Michigan under the assumed name Michigan Gas Utilities, (hereinafter called "Grantee"), its successors and assigns, a franchise to use the highways, streets, alleys and other public places of the Village of Martin, County of Allegan, State of Michigan, for the purpose of constructing, maintaining and operating a

gas distribution system in said Village 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 Village of Martin, County of Allegan, State of Michigan, for the purpose of supplying and distributing to said Village and its inhabitants gas for heating and other purposes and, for such purposes, to enter upon and use the highways, streets, alleys, and public lands of said Village and lay, maintain, operate, repair and extend therein, through and thereunder such mains, pipes, conduits, valves, drips, apparatus, appliances and other appurtenances as may be necessary and proper for the distribution of gas throughout and beyond said Village and for the purpose of conducting and operating a gas business in said Village subject to the terms and conditions hereinafter provided.

Section 2. Non-Disturbance of Public Travel; Restoration; Construction Maintenance. In laying its pipes, mains and other appurtenances and repairing and maintaining the same, Grantee shall interfere as little as possible with public travel. After opening any portion of the highways, streets, alleys or other public place, Grantee shall within a reasonable time restore or repair the disturbed area as required by Village Policies in effect at the time of opening. While any portion of the highways, streets, alleys or other public place is open, Grantee shall maintain reasonable barriers and lights at night and other warnings to the users of said highways, streets, alleys or other public place.

Section 3. Hold Harmless. Grantee shall at all times hold Grantor harmless from any loss, damage and expense of any kind on account of the laying, constructing, maintenance, and use of said mains, pipes, conduits and other appurtenances.

Section 4. Rates Established by Michigan Public Service Commission. The rates to be charged by Grantee and all rules of service shall be those which are established from time to time by the Michigan Public Service Commission or such other

body which shall succeed to the jurisdiction, rights, powers and authority of said Commission.

Section 5. Term; Effective Date. The rights granted in this franchise shall continue in full force and effect for a period of thirty (30) years from the effective date thereof. The effective date of this franchise shall be 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.

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 Village, PROVIDED, however, that the same shall become irrevocable if and when confirmed by a three-fifths (3/5) 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 Village by the Grantee.

Section 8. Ordinance Effective Date. This ordinance shall take effect on the day following the date of publication of the ordinance.

Section 9. Publication. The Village Clerk is hereby directed to cause a true copy of this ordinance to be published in *The Penasee Globe*, a newspaper circulating within the Village within 15 days hereof.

Section 10. Recording of Ordinance. Within one week after the publication of this ordinance, the Clerk of the Council shall record the ordinance in the Record of Ordinances book 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, and the ordinance shall be authenticated by the Village Council President and Clerk by affixing their official signatures on the record.

Presented by: Member Flower

Seconded by: Member Porter

Voting in Favor: Pierce

Porter

Merrill

Brandon

MacVean

Flower

^{Absent}
~~Voting Against:~~ Brinkhuis

We hereby attest that the foregoing Ordinance was adopted by the Village Council of the Village of Martin, County of Allegan, State of Michigan at a regular meeting held on the 19th day of Sept., 1994.

Dated: Sept 19, 1994

Robert A. Brandon
Robert Brandon
Martin Village President

Dated: Sept. 23, 1994

Joyce Merrill
Joyce Merrill
Martin Village Clerk

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

Published in:

Penasee Globe.

Date of Publication:
(newspaper Proof of
Publication attached)

Oct. 5, 1994

Ordinance No.: 52

Date recorded in the
Record of Ordinances Book

Dated: 10-13-94
~~Sept 19, 1994~~

Robert D. Brandon
Robert Brandon
Martin Village President

Dated: 10-13-94

Joyce Merrill
Joyce Merrill
Martin Village Clerk