

ORDINANCE NO. 274

CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the CHARTER TOWNSHIP OF LARKIN, MIDLAND COUNTY, MICHIGAN, for a period of thirty years.

THE CHARTER TOWNSHIP OF LARKIN ORDAINS:

SECTION 1. GRANT AND TERM. The CHARTER TOWNSHIP OF LARKIN, MIDLAND COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to lay, maintain, and commercially operate gas lines and facilities including but not limited to mains, pipes, services, and valves on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the CHARTER TOWNSHIP OF LARKIN, MIDLAND COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONDITIONS. No public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' gas lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of public places. Consumers shall have the right to trim or remove trees if necessary, in the conducting of such business.

SECTION 3. HOLD HARMLESS. Consumers shall save the Charter Township 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 lines and related facilities hereby authorized. In case any action is commenced against the Charter Township on account of the permission herein given, Consumers shall, upon notice, defend the Charter Township and its representatives and hold them harmless from all loss, costs and damage arising out of such negligent construction and maintenance.

SECTION 4. EXTENSIONS. Consumers shall construct and extend its gas distribution system within said Charter Township and shall furnish gas service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 5. NOT EXCLUSIVE. The rights powers and authority herein granted are not exclusive.

SECTION 6. RATES AND CONDITIONS. Consumers shall be entitled to provide gas service to the inhabitants of the Charter Township at the rates and pursuant to the conditions as approved

by the Michigan Public Service Commission. Such rates and conditions shall be subject to review and change upon petition to the Michigan Public Service Commission.

SECTION 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.

SECTION 8. MICHIGAN PUBLIC SERVICES COMMISSION JURISDICTION. Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to gas service in the Charter Township and those rules and regulations preempt any term of any ordinance of the Charter Township to the contrary.

SECTION 9. REPEALER. This ordinance, when enacted, shall repeal and supersede the provisions of any previous Consumers' gas franchise ordinance adopted by the Charter Township including any amendments.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect on January 4, 2021.

Ordinance No. 274, adopted November 10, 2020