

RECORD OF ORDINANCES

ORDINANCE NO. 17

Township of EVANGELINE County of CHARLEVOIX

Ordinance No. 17 enacted by the Board FEBRUARY 3, 1997

Published: FEBRUARY, 1997, within 10 days after enactment.

Effective FEBRUARY 27, 1997.

Record of votes of Board Members:
(Yes or No)

	(Yes or No)		(Yes or No)
<u>SHIELDS</u>	<u>(Y)</u>	<u>SWISS</u>	<u>(Y)</u>
<u>KIDD</u>	<u>(Y)</u>	<u>CORTEIGHT</u>	<u>(Y)</u>
<u>LORY</u>	<u>(Y)</u>		<u>()</u>

I CERTIFY that publication was made on FEBRUARY 26, 1997 within 10 days after enactment of ordinance.

Signed: Joseph Lory, Township Clerk

THE TOWNSHIP OF _____ ORDAINS,

SEE ATTACHMENT REGARDING
FRANCHISE GRANTED TO MITTEN
STATE TRANSPORT INC.

Signed [Signature] Supervisor

Joseph Lory Clerk

4001710 5/5/11

**THE TOWNSHIP OF EVANGELINE
CHARLEVOIX COUNTY
FRANCHISE GRANTED TO
MITTEN STATE TRANSPORT INC.**

Ordinance No. 17

An Ordinance, granting to Mitten State Transport Inc. 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 Township of Evangeline, Charlevoix County, Michigan, for a period of thirty years.

THE TOWNSHIP OF EVANGELINE ORDAINS:

Section 1. GRANT TERM. The Township of Evangeline, Charlevoix County, Michigan, hereby grants to Mitten State Transport Inc. 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 services on, along, across and under the highways, streets, alleys, bridges, waterways, and to do a local gas business in the Township of Evangeline, Charlevoix County, Michigan, for a period of thirty years.

Section 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said grantee shall faithfully perform all things required by the terms thereof.

Section 3. CONDITIONS. No highway, street, alley, bridge, waterway used by said Grantee shall be obstructed longer than reasonably necessary during the work of construction or repair, nor will any water transmission system, well, public or private sewer system, nor shade tree be interfered with or damaged during such work or repair without the same being restored to the same order and condition as when the work was commenced. In the event that a shade tree has been irreparably damaged during the course of such work or repair, Grantee shall either replace said tree with a commercially available specimen of the same kind or reimburse the owner the cost of such commercially available specimen of the same kind. All of the Grantee's pipes and mains shall be so placed in the highways as not to unnecessarily interfere with the use thereof for highway and other public purposes. Construction work done under this grant shall be commenced only after notification to the Township of Evangeline or its designated representative and the filing with the Township of a sufficient plan or map. All construction under this grant shall be subject to inspection and approval by the designated representative of the Township as to the location of such pipes or other apparatus within the right of way. The Grantee shall pay the cost of such inspection and approval.

Section 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the 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 structures and equipment hereby authorized. In case any action is commenced against the Township on account of the permission herein given, said Grantee shall, upon notice defend the Township 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 Township, and shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations.