

13.0200

**MICHIGAN GAS UTILITIES FRANCHISE ORDINANCE  
TOWNSHIP OF GRAND HAVEN, MICHIGAN  
ord. no. 211 eff. Aug. 27, 1994**

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 Township of Grand Haven, County of Ottawa, 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 Township of Grand Haven, County of Ottawa, State of Michigan for a period of ten (10) years.

THE TOWNSHIP OF GRAND HAVEN, OTTAWA COUNTY, MICHIGAN  
ORDAINS:

13.0201

**Sec. 1 GRANTING OF FRANCHISE TO USE HIGHWAYS,  
STREETS, ALLEYS, AND PUBLIC PLACES**

The Township of Grand Haven, County of Ottawa, 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 Township of Grand Haven, County of Ottawa, 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 Township of Grand Haven, County of Ottawa, 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.

13.0202

**Sec. 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.

**13.0203      Sec. 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.

**13.0204      Sec. 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 body which shall succeed to the jurisdiction, rights, powers, and authority of said Commission.

**13.0205      Sec. 5            TERM; EFFECTIVE DATE**

The rights granted in this franchise 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 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.

**13.0206      Sec. 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.

**13.0207      Sec. 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.

**13.0208      Sec. 8            ORDINANCE EFFECTIVE DATE**

This Ordinance shall take effect on the day following the date of publication of the Ordinance.

**13.0209      Sec. 9            PUBLICATION**

The Township Clerk is hereby directed to cause a true copy of this Ordinance to be published in the *Grand Haven Tribune*, a newspaper circulating with the township within thirty (30) days hereof.

**13.0210      Sec. 10          RECORDING OF ORDINANCE**

Within one week after the publication of this Ordinance, the Township Clerk shall record the Ordinance in the Book of Ordinance 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 Ottawa County Clerk within one week after the publication.