

ORDINANCE NO. 30

THE VILLAGE OF MORLEY ORDAINS:

Section 1. Subject to all the terms and conditions mentioned in this ordinance, consent is hereby given to Michigan Consolidated Gas Company, a corporation organized under the laws of the State of Michigan, and to its successors and assigns, to lay, maintain, operate and use gas pipes, mains, conductors, service pipes and other necessary equipment in the highways, streets, alleys and other public places in the Village of Morley, Mecosta County, Michigan, and a franchise is hereby granted to Michigan Consolidated Gas Company, its successors and assigns, to transact a local business in said Village, for the purpose of conveying gas into and through said Village and supplying and selling gas in said Village, and all other matters incidental thereto.

Section 2. This ordinance (but not the franchise) shall take effect immediately after the date of publication thereof, which shall be within one (1) week of the date of its passage. When the ordinance shall become effective the Village Clerk shall deliver to the Company a certified copy of the ordinance, accompanied by written evidence of publication and recording thereof as required by law.

Section 3. The Company shall, within sixty (60) days after the effective date of this ordinance, file in the office of the Village Clerk its written assent to and acceptance of the conditions and provisions herein contained, and the filing thereof shall be held the undertaking of the Company to be governed by and to observe and carry out in good faith the provisions, terms and conditions in this ordinance contained and prescribed, if this ordinance and the terms and conditions thereof shall be thereafter approved by the affirmative vote of three-fifths of the electors of the Village of Morley voting thereon at a regular or special municipal election; provided, however, that if this ordinance and the terms and conditions hereof shall not be so approved by the electors within ninety (90) days from the date of filing such written acceptance, then both this ordinance and said acceptance shall be null and void.

Section 4. If this ordinance be accepted by the Company and approved by the electors of said Village as in Section 3 hereof provided, and the Company received the necessary regulatory approval as required by law to build a gas transmission line to the Village, then the Company shall in the exercise of due diligence prepare plans and specifications for the laying and installing of gas mains, conductors and service pipes in such of the streets, roads, alleys and highways as are indicated upon the map heretofore filed by the Company in the office of the Village Clerk, and shall, within a reasonable time thereafter, begin the actual work of laying said mains, conductors and pipes, and proceed to complete the installation of same as soon thereafter as reasonably practicable; the Company, however, shall not be held responsible for delays due to weather or labor conditions, inability to procure necessary materials, or other causes beyond its control; and provided further, that such initial installation and all extensions shall be subject to the Main Extension provisions of the Company's Rules and Regulations for Gas Service as approved by the Michigan Public Service Commission.

Section 5. The Company shall not unnecessarily obstruct the passage of any of the highways, streets, alleys or other public places within said Village and shall, within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition for public use as before the opening or excavation was made. The Company shall use due care in exercising the privilege herein granted, and shall be liable to said Village for all damages and costs which may be recovered against said Village arising from the default, carelessness or neglect of the Company or its officers, agents and servants.

No road, street or highway shall be opened for the laying of trunk lines or lateral mains except upon application to the Village Council, or other authority having jurisdiction in the premises, stating the nature of the proposed work and the route. Upon the receipt of such application, it shall be the duty of the Village Council, or other such authority as may have jurisdiction, to issue a permit to the Company to do the work proposed.

Section 6. The Company is now under the jurisdiction of the Michigan Public Service Commission to the extent provided by statute, and the rates to be charged for gas and the standards and conditions of service and operation hereunder, shall be the same as those now or that in the future shall be validly in effect under the orders, rules and regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises, as applicable to the Company in the City of Big Rapids.

Section 7. The words "Michigan Consolidated Gas Company", and "the Company", wherever used herein, are intended and shall be held and construed to mean and include both Michigan Consolidated Gas Company and its successors and assigns, illegible illegible expressed or not.

Section 8. This agreement shall remain in force for the period of thirty (30) years from and after the date when approved by the electors of said Village as in Section 3 hereof provided; provided, however, that if the Company shall for any reason cease to supply gas in the City of Big Rapids it shall be under no duty or obligation to thereafter supply gas in the Village of Marley.

Adopted; -1-4-56

Published:

Accepted:

Approved by electors:

a/ Kenneth W Turner
Village President

a/ Gordon F Brooks
Village Clerk

True copy of original typewritten ordinance.