

VILLAGE OF CAMDEN

ORDINANCE NO. 1994 - 02

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 CAMDEN, COUNTY OF HILLSDALE, 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 CAMDEN, COUNTY OF HILLSDALE, STATE OF MICHIGAN FOR A PERIOD OF THIRTY (30) YEARS.

THE VILLAGE COUNCIL OF THE VILLAGE OF CAMDEN, COUNTY OF HILLSDALE, STATE OF MICHIGAN HEREBY ORDAINS:

Section 1. Granting of Franchise to Use Highways, Streets, Alleys and Public Places. The Village of Camden, County of Hillsdale, 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 Camden, County of Hillsdale, 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 Camden, County of Hillsdale, 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 and 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 and as quickly as possible 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 and indemnify Grantor from any loss, damage and expense of any kind sustained by any individual, corporation or other entity on account of the laying, constructing, maintenance, and use of said mains, pipes, conduits and other appurtenances including losses, damages, and expenses which occur as the result of the transmission of gases or fluids through Grantee's mains, pipes, conduits or 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 his 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 Hillsdale Daily News, 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: JERRY BAILEY

Seconded by: RANDY DRAKE

Voting in Favor: NOLA TRAXLER

MARY MANN

WALTER SHIFFLER

JERRY BAILEY

RANDY DRAKE

Voting Against: _____

We hereby attest that the foregoing Ordinance was adopted by the Village Council of the Village of Camden, County of Hillsdale, State of Michigan at a regular meeting held on the 11th day of October, 1994.

Dated: Oct 11, 1994

Sarah L. Marks
Sarah L. Marks
Camden Village President

Dated: Oct. 11, 1994

Joan Matthews
Joan Matthews
Camden Village Clerk

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

Published in: _____

Date of Publication:
(newspaper Proof of
Publication attached) _____

Ordinance No.: 1994-02

Date recorded in the Record
of Ordinances Book

Dated: oct 1994

Sarah L. Marks
Sarah L. Marks
Camden Village President

Dated: oct 1994

Joan Matthews
Joan Matthews
Camden Village Clerk