

THE TOWNSHIP OF BIG CREEK ORDAINS:

Section 1.       Grant of Gas Franchise and Consent to Laying of Pipes, Etc. 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 (the "Company"), 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 Township of Big Creek, Oscoda County, Michigan, and a franchise is hereby granted to the Company, its successors and assigns, to transact a local business in said Township of Big Creek, for the purposes of conveying gas into and through and supplying and selling gas in said Township and all other matters incidental thereto.

Section 2.       Installation and Extension of System. If the provisions and conditions herein contained are accepted by the Company, as in Section 6 hereof provided, then within not more than one year following the later of the date upon which this ordinance takes effect and the date upon which the Company receives such regulatory approval as may be necessary for the Company to convey gas to the Township of Big Creek and to construct and operate its facilities therein, the Company shall determine the area within the Township of Big Creek to be served initially and commence the installation of a gas distribution system within such area, and the Company shall thereafter proceed to complete said initial installation as soon as reasonably practicable; provided, however, that the

Company 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 any extensions shall be subject to the Main Extension provisions, the Area Expansion Program provisions (if and where applicable), and other applicable provisions now or from to time hereafter contained in the Company's Rules and Regulations for Gas Service as filed with the Michigan Public Service Commission or successor agency having similar jurisdiction.

Section 3. Use of Streets and Other Public Places.

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

No road, street, alley, or highway shall be opened for the laying of trunk lines or lateral mains except upon application to the Highway Commissioner or the Township Board, or other authority having jurisdiction in the premises, stating the nature of the proposed work and the route. Upon receipt of such application, it

shall be the duty of the Highway Commissioners or the Township Board, or such other authority as may have jurisdiction, to issue a permit to the Company to do the work proposed.

Section 4. Standards and Conditions of Service; Rules, Regulations and Rates. 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 set forth in the Company's schedule of rules, regulations, and rates as applicable in the several cities, villages and townships in which the Company is now rendering gas service, or as shall hereafter be validly prescribed for the Township of Big Creek, under the orders, rules, and regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises.

Section 5. Successors and Assigns. 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, whether so expressed or not.

Section 6. Effective Date; Term of Franchise Ordinance; Acceptance by Company. This ordinance shall take effect the day following the date of publication thereof, which publication shall be made within thirty (30) days after the date of its adoption, and shall continue in effect for a period of thirty (30) years thereafter, subject to revocation at the will of the Township

at any time during said thirty (30) year period; provided, however, that when this ordinance shall become effective the Township 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, and the Company shall, within one hundred eighty (180) days after the date this ordinance takes effect, file with the Township Clerk its written acceptance of the conditions and provisions hereof.

Section 7. Effect and Interpretation of Ordinance.

All ordinances and resolutions, and parts thereof, which conflict with any of the terms of this ordinance are hereby rescinded. In the case of conflict between this ordinance and any such ordinances or resolutions, this ordinance shall control. The catch line headings which precede each Section of this ordinance are for convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this ordinance.

Ayes: 5

Nays: 0

Date Passed: Oct. 17, 1990

Attested, by Order of the Big Creek Township Board

  
Township Clerk

Date of Passage of Ordinance: October 17, 1990

Members Voting Aye:  
James R. Booth  
Judy Berney  
Janis Sanderson  
Germaine Dennis  
Ruth Miteen

Members Voting Nay:  
0

Date of Publication of the Ordinance: October 30, 1990

Newspaper in Which Publication was Made: Oscoda County Herald

Date of Filing Attested Copy of the Ordinance with the Oscoda County Clerk: November 6th, 1990

State of Michigan )  
                          ) ss.  
County of Oscoda )

I, the undersigned, being the duly elected, qualified and acting Township Clerk of the Township of Big Creek, County of Oscoda and State of Michigan, do hereby certify that the foregoing ordinance was duly adopted by the Township Board of the said Township of Big Creek as hereinabove set forth; that said ordinance was duly published on the date indicated above by the insertion of a true copy thereof in the Oscoda County Herald, which is a duly qualified newspaper circulating within the said Township of Big Creek; and that the undersigned duly filed an attested copy of said ordinance with the County Clerk of the County of Oscoda on the date above set forth.

In testimony whereof, I have hereunto set my hand this 6th day of November, 1990.

Judy Berney  
Township Clerk  
Township of Big Creek

Certificate

State of Michigan )  
  ) ss.  
County of Oscoda    )

I, undersigned, being the duly elected, qualified and acting Township Clerk of the Township of Big Creek, County of Oscoda, State of Michigan, do hereby certify that annexed hereto is a true, complete and correct copy of an ordinance duly adopted by the Township Board of the Township of Big Creek, at a regular meeting thereof duly called and held on the 17th day of October, 1990, the original of which is recorded in the Book of Ordinances of the Township of Big Creek.

I do hereby further certify that public notice of said meeting was given in the manner required by law, including the Open Meetings Act, 1976 PA 267, including in the case of a rescheduled meeting notice by publication or posting at least 18 hours prior to the time set for the meeting, and that the meeting was held and conducted in compliance with the provisions of said Act.

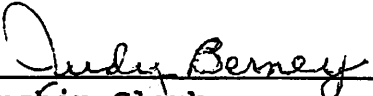
I do hereby further certify that said ordinance was published, within thirty days after the passage thereof, by causing a true, correct and complete copy thereof to be inserted in the Oscoda County Herald, a newspaper circulating within the Township of Big Creek.

I do hereby further certify that within one week after the publication of the said ordinance as aforesaid, I duly recorded said ordinance in the Book of Ordinances of the Township of Big Creek, together with the date of the passage of said ordinance, the names of the members voting thereon and how each member voted; and I do hereby further certify that within one week after the publication of the said ordinance as aforesaid, I duly filed an attested copy of said ordinance with the County Clerk for the County of Oscoda.

I do hereby further certify that I have duly certified, under the said ordinance in a blank space provided therefor in the Book of Ordinances of the Township of Big Creek, the date of publication of said ordinance and the name of the newspaper in which publication was made and the date said attested copy of the ordinance was filed with the County Clerk for the County of Oscoda; and that annexed hereto is a true, correct and complete

copy of such certificate as contained in the Book of Ordinances  
of the Township of Big Creek.

In testimony whereof, I have hereunto set my hand this 6th  
day of November, 1990.

  
\_\_\_\_\_  
Township Clerk  
Township of Big Creek

BIG CREEK TOWNSHIP ORDINANCE NO. 15

ADOPTED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF BIG CREEK,  
OSCODA COUNTY, MICHIGAN ON THE            DAY OF            1989

SECTION 1 UNLAWFUL ACTS. THE TOWNSHIP BOARD FOR THE TOWNSHIP  
OF BIG CREEK, OSCODA COUNTY, MICHIGAN, HEREBY ORDAINS THAT  
IT SHALL BE UNLAWFUL FOR ANY PERSON TO RIDE AN ORV. ON ANY  
STATE HIGHWAY, COUNTY ROAD OR PRIVATE ROADWAY WITHIN THE TOWN  
SHIP OF BIG CREEK, OSCODA COUNTY, MICHIGAN.

SECTION 2. DEFINITIONS

A. O.R.V. ANY VEHICLE DESIGNED AND INTENDED FOR USE ON  
ROUGH TERRAIN, INCLUDING BUT NOT LIMITED TO "3 WHEELERS" "4  
wheelers" MOTORCYCLES AND SNOWMOBILES.

SECTION 3. ENFORCEMENT

THE AUTHORITY TO ENFORCE BIG CREEK TOWNSHIP ORDINANCE NO.  
15 IS HEREBY GIVEN TO THE OSCODA COUNTY SHERIFF DEPARTMENT.

SECTION 4 VIOLATIONS AND PENALTIES

ANY PERSON WHO REFUSES TO COMPLY WITH THIS ORDINANCE SHALL  
BE GUILTY OF A MISDEMEANOR. UPON CONVICTION THEREOF, HE SHALL  
BE PUNISHED BY A FINE NOT TO EXCEED NINETY (90) DAYS, OR BOTH

SECTION 5 SEVERABILITY.

IF ANY ACTION, SUBSECTION, SENTENCE, CLAUSE, PHRASE OR PORTION  
OF THIS ORDINANCE IS FOR ANY REASON HELD INVALID OR UNCON-  
STITUTIONAL BY ANY COURT OF COMPETENT JURISDICTION, SUCH PORTION  
SHALL BE DEEMED A SEPERATE , DISTINCT AND INDEPENDENT PROVISION  
AND SUCH HOLDING SHALL NOT EFFECT THE VALIDITY OF THE REMAINING  
PORTION HEREOF.

SECTION 6 EFFECTIVE DATE. THIS ORDINANCE SHALL TAKE EFFECT  
IMMEDIATELY UPON PUBLICATION,