

**FRENCHTOWN CHARTER TOWNSHIP  
MICHIGAN GAS UTILITIES CORPORATION  
FRANCHISE ORDINANCE  
Ord. No. 235; Adopted February 13, 2024**

AN ORDINANCE GRANTING TO MICHIGAN GAS UTILITIES CORPORATION, A DELAWARE CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER, AUTHORITY AND PERMISSION TO USE THE HIGHWAYS, STREETS, ALLEYS AND OTHER PUBLIC PLACES OF THE CHARTER TOWNSHIP OF FRENCHTOWN, COUNTY OF MONROE, 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 CHARTER TOWNSHIP, AND THE RIGHT, POWER AND PERMISSION TO CONDUCT AND OPERATE A GENERAL GAS BUSINESS AND DISTRIBUTION SYSTEM IN SAID CHARTER TOWNSHIP OF FRENCHTOWN, COUNTY OF MONROE, STATE OF MICHIGAN FOR A PERIOD OF THIRTY (30) YEARS.

**THE CHARTER TOWNSHIP OF FRENCHTOWN HEREBY ORDAINS:**

**Section 1. Granting of Non-Exclusive Franchise to Use Highways, Streets, Alleys and Public Places.**

The Charter Township of Frenchtown, County of Monroe, State of Michigan, (hereinafter called "Charter Township"), hereby grants to Michigan Gas Utilities Corporation, a Delaware corporation, (hereinafter called "Grantee"), its successors and assigns, a non-exclusive franchise to use the highways, streets, alleys and other public places of the Charter Township of Frenchtown, County of Monroe, State of Michigan, for the purpose of constructing, maintaining and operating a gas distribution system in said Charter 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 Charter Township of Frenchtown, County of Monroe, State of Michigan, for the purpose of supplying and distributing to said Charter 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 Charter 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 Charter Township and for the purpose of conducting and operating a gas business in said Charter Township subject to the terms and conditions hereinafter provided.

**Section 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.

**Section 3. Hold Harmless.**

Grantee shall at all times hold Charter Township 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. However, Grantee need not save Charter Township harmless from claims, losses and expenses arising out of the negligence of the Charter Township, its employees or agents.

**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 latter of 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 or the day following the date of publication of the 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 Charter 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.

**Section 7. Assignment of Franchise.**

The Grantee shall not assign this Franchise to any person, firm or corporation without the prior written approval of this Charter Township and unless the assignee is, in the opinion of the management of Michigan Gas Utilities and the Charter Township, financially able to carry out the Grantee's obligations under the Franchise and is authorized by the Michigan Public Service Commission, or such other State authority as shall then have jurisdiction of the subject matter so to do.

**Section 8. Expenses of Election Paid by Grantee.**

In the event of a special election, all costs and expenses thereof incidental and direct shall be paid by the Grantee. Prior to scheduling a special election, Grantee shall deposit into an escrow an amount estimated by the Township Clerk for such special election costs. Any deficiency in the amount shall be paid to the Township within 30 days after the final cost is determined and any excess shall be refunded to Grantee by the Township within 30 days after the final cost is determined.

**Section 9. Repeal of Prior Ordinance.**

The Franchise Ordinance adopted by Charter Township, known as Ordinance Number 170 and all amendments thereto, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

**Section 10. Publication.**

The Charter Township Clerk is hereby directed to cause a true copy of this ordinance to be published in The Monroe News, a newspaper circulating within the Charter Township within thirty (30) days hereof.

**Section 11. Recording of Ordinance.**

Within one (1) week after the publication of this ordinance, the Charter Township Clerk shall record the ordinance in the Book of Ordinances 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 Monroe County Clerk within one (1) week after the publication.

Presented by: Bryant

Seconded by: Carlton

Voting In Favor: Rimel; Klemz; Collins; Carlton; VanWashenova; Bryant; Ellison

Voting Against: None

I hereby attest that the foregoing Ordinance was adopted by the Township Board of the Charter Township of Frenchtown, County of Monroe, State of Michigan at a regular meeting held on the 13<sup>th</sup> day of February 2024.

Dated: 2-16-2024

Kyle T. Bryant  
Kyle Bryant, Clerk  
Frenchtown Charter Township

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

Published in: Monroe News

Date of Publication: February 16, 2024

(newspaper Proof of  
Publication attached)

Date of Filing with the  
Monroe County Clerk: May 9, 2024

Ordinance No. 235

Date recorded in the Charter Township Book of Ordinances: May 8, 2024

Dated: 5-8-2024

Kyle T. Bryant  
Kyle Bryant, Clerk  
Frenchtown Charter Township

FCT.ordinance.235

# Public Notices

Govt Public Notices

Govt Public Notices



FRENCHTOWN CHARTER  
TOWNSHIP  
MICHIGAN GAS  
UTILITIES CORPORATION  
FRANCHISE ORDINANCE  
NO. 235

TO THE RESIDENTS AND  
PROPERTY OWNERS OF  
FRENCHTOWN CHARTER  
TOWNSHIP, MONROE  
COUNTY, MICHIGAN AND  
ANY OTHER INTERESTED  
PERSONS:

Public Notice is hereby given that the Frenchtown Charter Township Board held a second reading and adopted Frenchtown Charter Township Michigan Gas Utilities Corporation Franchise Ordinance No. 235 on Tuesday, February 13, 2024. A summary of the Ordinance appears below.

**Section 1. Granting of Non-Exclusive Franchise to Use Highways, Streets, Alleys and Public Places.** This Section grants a non-exclusive franchise to use highways, streets, alleys and public places of Frenchtown Charter Township to Michigan Gas Utilities Corporation.

**Section 2. Non-Disturbance of Public Travel; Restoration; Construction Maintenance.** This Section provides that in laying its pipes, mains and other appurtenances and repairing and maintaining the same, Michigan Gas Utilities shall interfere as little as possible with public travel.

**Section 3. Hold Harmless.** This Section provides that Michigan Gas Utilities shall at all times hold the Township harmless from expenses of any kind on account of the laying, constructing, maintenance, and use of said mains, and other appurtenances.

**Section 4. Rates Established by Michigan Public Service**

**Commission.** This Section provides that the rates to be charged by Michigan Gas Utilities shall be established by the Michigan Public Service Commission.

**Section 5. Term; Effective Date.** This Section provides that the franchise shall be for a period of thirty (30) years from the effective date.

**Section 6. Franchise Revocable; Irrevocability Upon Approval of Electors.** This Section provides that the franchise shall be revocable at the will of the Township Board, provided that it shall become irrevocable 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.

**Section 7. Assignment of Franchise.** This Section provides that Michigan Gas Utilities shall not assign the Franchise without the prior written approval of Frenchtown Charter Township.

**Section 8. Expenses of Election Paid by Grantee.** This Section provides that in the event of a special election, all costs and expenses shall be paid by Michigan Gas Utilities.

**Section 9. Repeal of Prior Ordinance.** This Section repeals any Ordinance in effect which is in conflict.

**Section 10. Publication.** This Section provides that a copy of the Ordinance shall be published in the Monroe News.

**Section 11. Recording of Ordinance.** This Section provides that within one (1) week after the publication of the Ordinance, the Township shall file a copy with the County Clerk.

The full text of Frenchtown Charter Township Michigan Gas Utilities Corporation Franchise Ordinance No. 235 is available for review at the Township Clerk's Office at 2744 Vivian Road, Monroe, Michigan, (734) 242-5800 during regular business hours.

2/16/2024

MICHIGAN GAS UTILITIES CORPORATION

ACCEPTANCE OF FRANCHISE

TO THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF FRENCHTOWN, COUNTY  
OF MONROE, STATE OF MICHIGAN

TAKE NOTICE, that Michigan Gas Utilities Corporation, a Delaware  
corporation, hereby accepts the franchise granted to it by the Township  
Board of the Charter Township of Frenchtown, County of Monroe, State  
of Michigan on the 19th day of February, 2024.

MICHIGAN GAS UTILITIES CORPORATION

By Renee Burzynski

Renee Burzynski  
Area Manager

Dated: February 19, 2024

DATE RECEIVED 3.4.24

RECEIVED BY Jessica Burt