

FRANCHISE ORDINANCE NO. 38

An ordinance granting franchise to Northern States Power Company, its successors and assigns, the right to engage in the business of distributing and selling natural gas along with the right to acquire, construct, maintain and operate facilities for the distribution and sale of natural gas to customers within, through or across the Township of Ironwood, County of Gogebic, State of Michigan, and its successors.

BE IT RESOLVED by the Township Board of the Township of Ironwood, County of Gogebic, State of Michigan, and it is hereby ordained by authority of the same that:

Section I.

Northern States Power Company, hereinafter called the "Grantee", is hereby granted the right, privilege, franchise and authority to acquire, construct, operate and maintain in, above, under, across and along the highways, streets, alleys, bridges and other public places (as the same now exist or may hereafter be laid out) of the Township of Ironwood, County of Gogebic, State of Michigan, gas pipelines, appliances and appurtenances, for the distribution and sale of natural gas by means of underground pipelines, for the purpose of supplying natural gas to public and private consumers in said Township and beyond the limits thereof for any purpose or purposes for which natural gas is now or may hereafter be used and said Grantee is hereby granted a franchise to transact a local public utility business in said Township.

The rights, privileges and franchise hereby granted shall be in force and effect for a period of thirty (30) years from the date on which it is granted, provided that the franchise is approved by a 3/5 majority of the voters at the next election.

Section II.

Whenever said Grantee shall begin the erection, maintenance or repair of any gas pipelines, appliances or appurtenances, it shall diligently prosecute the work to completion and shall leave the highways, streets, alleys and public places where such work is done in as good condition of repair as before such work was commenced. In the performance of any such work the Grantee shall

public places but it may use the same in such manner as may be necessary in the performance of such work. The right of Township to the reasonable control of its highways, streets, alleys and public places is specifically reserved to the Township.

Section III.

The Grantee shall hold the Township harmless from any and all claims and demands for damages on account of injury to persons and damage to property arising from the negligence of the Grantee, its agents or employees in the erection, operation, maintenance and repair of said gas pipelines, appliances and appurtenances. To protect and indemnify the said Township of Ironwood against any and all damage or liability arising as a result of the negligence of the Grantee, the Grantee will defend in the name of the Township and action or suit in equity so arising and the Township agrees to furnish promptly to the Grantee certified copies of all claims, notices of suit, or other legal proceedings for which it seeks to be held harmless under this Section.

Section IV.

If the said Grantee desires to accept the provisions of this franchise, it shall within thirty (30) days from and after the passage thereof file with the Clerk of said Township of Ironwood, its formal acceptance thereof in writing, assenting to and agreeing to the provisions and restrictions herein contained.

Section V.

Whenever in this franchise reference is made to the Township or to the Grantee, it shall be deemed to include their respective successors or assigns and all rights, privileges and obligations of said Township or of said Grantee, shall be binding upon and inure to the benefit of the respective successors or assigns of said Township or of said Grantee, whether so expressed or not.

Section VI.

This franchise shall take effect and be in force upon its passage and approval in the manner provided by law.

Passed this 13th day of September, 1993, in the

presence of:

May E. Segalin
Witness

Mark J. Russell
Ironwood Township Supervisor

Priscilla M. Stola
Witness

Arlene Calogianis
Ironwood Township Clerk

Accepted this 17th day of September, 1993,

in the presence of:

NORTHERN STATES POWER COMPANY

W. M. Greger
Vice President

Attest:

John P. Moore, Jr.
Corporate Secretary