

AN ORDINANCE GRANTING THE FRANCHISE, RIGHT, PERMISSION, AND AUTHORITY TO MIDWEST NATURAL GAS CORPORATION, AN INDIANA CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, EXTEND, MAINTAIN, REPAIR, REPLACE, OPERATE AND REMOVE IN THE TOWN OF VERNON, JENNINGS COUNTY, INDIANA, A SYSTEM FOR THE MANUFACTURE, TRANSMISSION, DISTRIBUTION AND SALE OF NATURAL OR ARTIFICIAL GAS OR A MIXTURE THEREOF, FOR LIGHTING, HEATING, POWER AND ANY OTHER PURPOSES FOR WHICH GAS MAY BE USED.

WHEREAS, Midwest Natural Gas Corporation, an Indiana Corporation, (hereinafter also designated as "Grantee"), has petitioned the Town Council of the Town of Vernon, (hereinafter also designated as "Municipality"), asking that the franchise, right, privilege and authority be granted to it, its successors and assigns, by ordinance, to construct, extend, maintain, repair, replace, operate and remove a system for the manufacture, transmission, distribution and sale of natural or artificial gas or a mixture thereof, for lighting, heating, power and any other purposes for which gas may be used in said Municipality; and

WHEREAS, it is in the best interests of the Municipality and the inhabitants thereof that gas be distributed to customers in the Municipality and the Municipality has requested the Grantee to attempt to purchase and obtain a supply of natural gas for such purpose; and

WHEREAS, the Grantee has duly complied with all provisions of the laws of the State of Indiana, and with all ordinances of said Municipality with reference to the obtaining of such franchise, right, privilege and authority;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VERNON, JENNINGS COUNTY, INDIANA, AS FOLLOWS:

SECTION 1. That in consideration of the benefits to be derived from the installation and operation of a gas distribution system in the Town of Vernon, the Municipality hereby grants unto the Grantee, its successors and assigns, an indeterminate permit, franchise, right and privilege to construct, extend, maintain, repair, replace, operate and remove all necessary plants, works, mains, services, conduits, pipes, tanks, and apparatus necessary or convenient for such system in, upon, over, across, along and under each and all of the streets, roads, alleys, avenues, bridges, commons, parkways and other public places, within said Municipality, within its present or future corporate limits as they may at any time exist; for the purpose of supplying and furnishing gas to the



Municipality and the inhabitants thereof and the public in general and all customers of Grantee residing within or without the corporate limits of the Municipality for lighting, heating, power and any other purpose for which gas may be used, and including the right to transmit, distribute, purchase, furnish, supply and sell gas within the Municipality and to transmit and carry the same through such mains and pipes to territory beyond the Municipality, all without charge or license fee therefor and subject to all reasonable police regulations now or hereafter lawfully adopted by the Municipality, pertaining to the use of the streets and the location of such mains, pipes or conduits.

SECTION 2. In constructing, installing, altering, removing, replacing, renewing, repairing, maintaining, extending and operating said gas system constructed and installed by the Grantee hereunder, the Grantee shall obstruct the streets, roads, alleys and public places to such extent only as shall be reasonably necessary.

SECTION 3. The Grantee may make all necessary excavations and openings in the streets, roads, alleys and other public places of the Municipality for the purpose aforesaid, and when making such excavations and openings shall, by signals, guards, barricades or otherwise, protect the public from injury to persons and property; and the Grantee shall save and hold the Municipality harmless from all damages, costs, and expenses which the Municipality may be compelled to pay on account of such gas system hereby authorized, and any default, carelessness, or neglect of the Grantee in the construction, maintenance and operation thereof, provided the Municipality shall promptly notify the Grantee of any claim or suit. The Grantee shall restore all streets, roads, alleys and public places opened by it for the purposes aforesaid, to as nearly as practicable the same order and condition as the same were in before such openings.

SECTION 4. The Grantee will use all reasonable diligence and precaution to initiate service of, and thereafter to furnish and maintain, a regular, adequate, dependable and uninterrupted supply of gas for lighting, heating, power, and all other purposes to the Municipality and the inhabitants thereof. The Grantee's rights under this Franchise shall not be prejudiced by, and the Grantee shall not be liable for any damage occurring to the Municipality or to any customers in consequence of, any failure to furnish or supply gas of any particular character at any time or times if such failure is not accompanied by a default or neglect of the Grantee or is due to strikes, storms, accidents, riots, acts of the public enemy, delays of any common carrier, default of any connecting or of the Grantee's suppliers, judicial process, acts of God, state or municipal interference, any governmental restrictions or regulations, breakdowns of or injuries to machinery, transmission or distribution system, or necessary repairs, or other causes beyond the control of the Grantee, its successors or assigns.



SECTION 5. This Franchise shall constitute an indeterminate permit under and pursuant to the terms and provisions of the Public Service Commission Act of the State of Indiana, as amended, and in the event of the repeal of said provisions, this Franchise shall extend for and during the term of Fifty years from and after the date that the repeal thereof becomes effective.

SECTION 6. This ordinance and all the terms, privileges and conditions hereof are granted upon the express condition that the Grantee shall at the earliest practical opportunity take appropriate steps for filing an application with the Federal Power Commission for approval of an allocation of natural gas and shall commence construction of the system for the distribution and sale of gas within the Municipality within One year from the date of final approval of said Commission; and upon failure of the Grantee so to commence construction within such period of One year, then this ordinance and the terms, privileges, grants and conditions hereof shall thereupon become void and of no further force and effect; provided, however, that if the Grantee, by act of God or any cause beyond its control, is hindered or delayed in the procurement of the necessary equipment, materials or labor for said construction, then the date of commencement thereof shall be extended for the period of such delay.

SECTION 7. The gas to be furnished to the Municipality and the residents and inhabitants thereof shall be of such nature, character and quality, shall be furnished at such pressure and shall be sold at such rate or rates as may from time to time be lawful and be shown on the applicable schedules on file with and approved by the Public Service Commission of Indiana, and in accordance with the laws of the State of Indiana. In case of any lawful change in the schedule of rates or the character of the gas to be furnished by the Grantee within the Municipality, the rate legally applicable shall thereafter be charged.

SECTION 8. This Franchise and all of its terms and provisions shall inure to the benefit of and be obligatory upon the parties hereto and the successors and assigns of the parties, and shall be in full force and effect from and after the date of its being approved by this ordinance duly adopted by the Municipality.

Adopted this 2 day of January, 1959.

Town of Vernon, Indiana

By Mark Rieser, Mayor

Olin Armstrong, Councilman

Paul Sandlin, Councilman

David Stuart, Councilman

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Constituting the Town Council  
of the Town of Vernon, Indiana

Attest:

Frances Fawcett  
Clerk-Treasurer



TOWN COUNCIL

TOWN OF VERNON, INDIANA

Certification of Adoption of Ordinance

I, Frances Fawcett, the duly elected Clerk-Treasurer of the Town of Vernon, Indiana, do hereby certify that attached hereto is a true, correct and complete copy of Ordinance Number 25 as duly adopted by the Town Council of the Town of Vernon on January 2, 1959, and that said Ordinance has been in full force and effect from the date of its adoption and at all subsequent times to and including the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand this

\_\_\_\_\_ day of September, 1959.

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Frances Fawcett

# TOWN of VERNON


Clerk - Treasurer  
VERNON, INDIANA

## Certification of Adoption of Ordinance

I, Alyne Steele, the duly elected Clerk-Treasurer of the Town of Vernon, Indiana, do hereby certify that attached hereto is a true, correct and complete copy of Ordinance 25 as duly adopted by the Town Council of the Town of Vernon on January 2, 1959, and that said Ordinance has been in full force and effect from the date of its adoption and at all subsequent times to and including the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand this

17 day of September, 1959.

  
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Alyne Steele  
Clerk-Treasurer