

ORDINANCE NO. 77-94  
CONSUMERS POWER COMPANY GAS FRANCHISE ORDINANCE

An Ordinance, granting to CONSUMER POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain, and operate gas mains, pipes and services on, along, across, and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the VILLAGE OF PORT AUSTIN, HURON COUNTY, MICHIGAN, for a period of thirty years.

THE VILLAGE OF PORT AUSTIN, HURON COUNTY, MICHIGAN, ORDAINGS:

SECTION 1. GRANT TERM. The VILLAGE OF PORT AUSTIN, HURON COUNTY, MICHIGAN, hereby grants to the CONSUMERS POWER COMPANY, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to lay , maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys bridges, waterways, and other public places, and to do a local gas business in the VILLAGE OF PORT AUSTIN, HURON COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority herby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS. No highway, street, alley, bridge, waterways, or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of the Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes.

SECTION 4. HOLD HARNNESS. Said Grantee shall at all times keep and save the Village free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Village on account of the permission herein given, said Grantee shall, upon notice, defend the Village and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. EXTENSIONS. Said Grantee shall construct and extend its gas distribution system within said Village, and shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

SECTION 7. RATES. Said Grantee shall be entitled to charge the inhabitants of said Village for gas furnished therein, the rates as approved by the Michigan Public Service Commission, to which

Commission or its successors authority and jurisdiction to fix and regulate gas rates and rules regulating such service in said Village, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Village, acting by its Village Council, or by said Grantee.

SECTION 8. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said Village.

SECTION 10. REPEALER. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of a gas ordinance adopted by the Council on December 9, 1967, entitled:

An Ordinance, granting to CONSUMER POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain, and operate gas mains, pipes and services on, along, across, and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the VILLAGE OF PORT AUSTIN, HURON COUNTY, MICHIGAN, for a period of thirty years.

and amendments, if any, to such ordinance whereby a gas franchise was granted to Consumers Power Company.

SECTION 11. EFFECTIVE DATE. This ordinance shall take effect upon the date after publication, provided however, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Village Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Village and said Grantee.

We hereby certify that the foregoing ordinance was duly enacted by the Village Council of the VILLAGE OF PORT AUSTIN, HURON COUNTY, MICHIGAN, on the 10<sup>th</sup> day of October, 1994.

Village President: Edwin Korn

Village Clerk: Kay Gordon