

ORDINANCE NO. 36

FRANCHISE GRANTED TO MICHIGAN GAS COMPANY

An Ordinance granting a franchise to Michigan Gas Company to construct, operate and maintain in the public streets, highways, alleys and other public places in the Village of Grand Beach, Berrien County, Michigan, all needful and proper gas pipes, mains, conductors, service pipes and other apparatus requisite for the manufacture, transmission and distribution of gas for public and private use and to conduct a local business therein.

The Village of Grand Beach Ordains:

Section 1. Grant of Franchise. Permission is hereby granted to Michigan Gas Company, a Michigan Corporation, and to its successors and alleys and other public places in the Village of Grand Beach, Berrien County, Michigan, all needful and proper gas pipes, mains, conductors, service pipes and other apparatus and facilities requisite for the manufacture, transmission and distribution of gas for all Purposes to the Village of Grand Beach, and the inhabitants thereof, and for conducting gas elsewhere to supply neighboring cities, villages and other territories supplies with gas by said Grantee, subject, however, to all conditions and restrictions hereinafter contained.

Section 2. Conditions. The conditions of the foregoing grant are as follows:

- a. The Grantee shall do no injury to any street, highway, alley or other public place, or to any shade tree, or in any manner disturb or interfere with any water transmission and distribution lines or with any public or private sewer now or hereafter laid or constructed by any authorized person or corporation.
- b. All construction work done under this grant shall be under the Supervision of the designated representative of the Grantor and shall be Subject to inspection and approval by the designated representative of the Village of Grand Beach as to location within the right-of-way. The Grantee shall pay cost of such inspection and approval.
- c. The Grantee, before entering upon any street, alley, easements for public utility purposes or other public place to install pipes, mains or other apparatus, shall notify the Village of Grand Beach or its designated representative of the proposed construction and shall, if the Village of Grand Beach so requires, file with the Village of Grand Beach a sufficient plan or map and shall obtain the representative's approval thereof before beginning construction.

- d. No street, alley, highway or public place shall be allowed to remain obstructed or encumbered by the construction work of said Grantee for a longer period than shall be reasonably necessary to execute said work, and the Grantee shall, at all times, conform to all applicable ordinances and regulations of the Village of Grand Beach now or hereafter in force
- e. The Grantee shall indemnify, hold the Village of Grand Beach harmless and defend it against any claim, action or demand that maybe asserted against the Village of Grand Beach by reason of wrongdoing or negligence of the Grantee in the construction or maintenance of it's gas mains, pipes or other apparatus, or any claim or actionable consequence resulting from this nonexclusive grant of Franchise

Section.3. Rules, Regulations and Rates. The rules and regulations applicable to the service, the quality of the gas furnished, and the rates charged, therefore by the Grantee herein, its successors and assigns, shall be as fixed from time to time by the Michigan Public Service Commission or other such state authority as shall have jurisdiction of the subject matter, reserving, however, the right of the Village of Grand Beach to object thereto.

Section 4. Regulation of Streets, Alleys and Public Places. Nothing in this grant shall be construed to alienate the title of the public in and to any street, highway or public place, or any portion thereof, shall anything herein construed in any manner as a surrender by the Village of Grand Beach or it's legislative power with respect to subject matter hereof, or respect to any other matter whatsoever; nor as in any manner limiting the right of said Village of Grand Beach to regulate the use of any street, avenue, highway or public place within it's jurisdiction.

Section 5. Assignment of Franchise. The Grantee shall not assign this Franchise to any person, firm or corporation without the prior approval of the Grand Beach Village Council and unless the assignee is, in the opinion of the management of Michigan Gas Company, financially able to carry out the Grantee's obligations, under this 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 6. Effective date This Ordinance shall take effect upon its publication and the filing of Grantees written acceptance with the Village of Grand Beach Clerk and shall remain in effect for a period of thirty (30) years following its confirmation by a majority of the electors of the Village of Grand Beach voting thereon.

Introduced and Adopted March 19, 1997

CERTIFICATION

I hereby certify that the Ordinance, of which the foregoing is a true copy, was introduced and adopted March 19, 1997, and was published in New Buffalo Times on March 26, 1997.

William
Vanderslice

Supervisor

Carole S.
Nagy

Village Clerk