

VILLAGE OF EDWARDSBURG  
GAS FRANCHISE ORDINANCE  
ORDINANCE NO. 120

An Ordinance granting to Michigan Power Company, its successors and assigns, the right to acquire, construct, maintain, and operate in the streets, alleys and public places of the Village of Edwardsburg and its successors, pipes, mains, services, and appurtenances for the transmission and distribution of gas to the Village of Edwardsburg and the inhabitants thereof for heat and other purposes and for the transmission of the same within, through or across said Village of Edwardsburg, County of Cass, and State of Michigan, for a period of of thirty (30) years.

Be it ordained and enacted by the Village of Edwardsburg, of the County of Cass, State of Michigan, as follows:

Section I.

The Michigan Power Company, its successors and assigns (hereinafter called "Grantee") are hereby granted the right, privilege, franchise and authority to acquire, construct, maintain and operate in, under, across, and along the streets, thoroughfares, alleys, bridges and public places (as the same now exist or may hereafter be laid out) of the Village of Edwardsburg, County of Cass, State of Michigan, (hereinafter called "Municipality") pipes, mains, services and appurtenances for the transmission and distribution of gas, by any means, with all the necessary or desirable appurtenances for the purpose of supplying gas to the said Municipality and the inhabitants thereof, for heat, or any other purposes for which gas is now or may hereafter be used, and the distribution of the same within, through or across said Municipality, subject to such reasonable regulations as the Council of said Municipality shall prescribe from time to time, and subject to compliance with all applicable building, zoning and police regulations and ordinances now or hereafter in effect in said Municipality.

Section II.

Said pipes, mains, services and appurtenances shall be construed so as to interfere as little as possible with the proper lawful use of the streets, alleys and public places. The location of all pipes, mains, services, and appurtenances shall be subject to such reasonable regulations as shall be prescribed by said Council from time to time. The Grantee before entering upon any street, highway, alley or other public place for the purpose of erection and constructing any pipes, mains, services and/or appurtenances, except for emergency service, shall in writing notify the said Municipality or its representatives of the proposed construction and shall, if the Municipality so requires, file with the said Municipality a sufficient plan and specification showing the nature and extent of the proposed erection and construction.

### Section III.

The rights, privileges and franchise hereby granted shall be in force and effect for a period of thirty (30) years from the date of passage of this franchise, but revocable at the will of the Municipality unless approved by a vote of the electors.

The rights, privileges and franchise hereby granted shall not be construed to be exclusive and the Council of said Municipality hereby reserves the power to grant similar rights, privileges and franchise to any other person or persons, firm or firms, corporation or corporations.

### Section IV.

Said Grantee shall save the said Municipality harmless from any and all liability arising in any way from negligence in the erection, maintenance or operation of said pipes, mains, services and appurtenances for the distribution of gas. In case any action is commenced against the said Municipality on account of the permission herein granted, said Grantee shall upon notice defend the said Municipality and save it free and harmless from all loss, cost and damage arising out of such negligence.

### Section V.

Whenever said Grantee shall begin the erection of any pipes, mains, services and appurtenances or equipment, it shall promptly and diligently prosecute the work to completion and leave the streets, alleys and public places where such work is done in as good condition of repair as before such work was commenced. If the Grantee shall fail to complete restoration within thirty (30) days after the completion of the erection of any pipe, main, service, appurtenance or equipment to the reasonable satisfaction of the said Municipality, then the said Municipality may, at its option, cause such restoration to be done and the Grantee shall, in such event, pay to the said Municipality the costs thereof in the itemized amounts reported by the Municipality to the Grantee. Such payment shall be made within thirty (30) days after mailing of the itemized report to the Grantee. Should the Grantee elect to move a pipe or main because of street construction or the placement of municipal utilities, the Grantee shall move such pipe or main at its sole expense, provided, however; if (a) the pipe or main is located at its proper location in the right of way as specified by the applicable Township, County and/or local standards and (b) the municipal engineer certifies, in the exercise of reasonable engineering judgment, that it is necessary that such main or pipe be moved for such construction or placement of utilities to proceed, then such main or pipe shall be moved at the expense of the Municipality or its third-party contractor(s).

### Section VI.

Whenever in this franchise reference is made to Municipality or to the Grantee, it shall be deemed to include the respective successors or assigns of either and all rights, privileges and obligations herein

contained by or on behalf of said Municipality or by or on behalf of said Grantee shall be binding upon and inure to the benefit of the respective successors or assigns of said Municipality or of said Grantee, whether so expressed or not.

Section VII.

This franchise shall be accepted by the Grantee within sixty (60) days from the date of the adoption of this ordinance.

Section VIII.

This franchise shall take effect from and after its adoption, acceptance and publication as required by law.

Dated this 18th day of June, 1984.

Dorothy Smith, Village President

Patricia Kraus, Clerk

Eva M. Wade, Treasurer

JoAnn Mackling, Trustee

Judy Beckwith, Trustee

James Locey, Trustee

Willard Armstrong, Trustee

James Slager, Trustee

Gordon Carr, Trustee

I hereby attest that the foregoing Ordinance was adopted by the Village of Edwardsburg, County of Cass, State of Michigan, at a regular meeting thereof held on June 18, 1984.

Patricia Kraus

Clerk