

ORDINANCE #82

AN ORDINANCE GRANTING A FRANCHISE TO SOUTHEASTERN MICHIGAN GAS COMPANY TO CONSTRUCT, OPERATE, AND MAINTAIN IN THE PUBLIC STREETS, HIGHWAYS, ALLEYS AND OTHER PUBLIC PLACES IN THE VILLAGE OF SPRINGPORT, JACKSON 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 SPRINPORT ORDAINS:

Section 1. **GRANT OF FRANCHISE.** Permission is hereby granted to Southeastern Michigan Gas Company, a Michigan Corporation, and to its successors and assigns, to construct, operate and maintain in the public streets, highways, alleys and other public places in the Village of Springport, Jackson 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 Springport, and the inhabitants thereof, and for conducting gas elsewhere to supply neighboring cities, villages and other territories supplied 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 Springport 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 Springport or its designated representative of the proposed construction and shall, if the Village of Springport so requires, file with the Village of Springport 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 Springport, now or hereafter in force.
- e) The Grantee shall indemnify, hold the Village of Springport harmless and defend it against any claim, action or demand that may be asserted against the Village of Springport by reason of wrongdoing or negligence of the Grantee in the construction or maintenance of its gas mains, pipes or other apparatus, or any claim or actionable consequence resulting from this nonexclusive grant of Franchise.

Section 3. **RULE, 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 Springport 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, alley or public place, or any portion thereof, neither shall anything herein be construed in any manner as a surrender by the Village of Springport of its legislative power with respect to the subject matter hereof, or with respect to any other matter whatsoever; nor as in any manner limiting the right of said Village of Springport to regulate the use of any street, avenue, highway or public place within its 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 Village of Springport Council and unless the assignee is, in the opinion of the management of Southeastern 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 Grantee's written acceptance with the Village Clerk and

shall remain in effect for a period of thirty (30) years following its confirmation by a three-fifth (3/5) majority of the electors of the Village of Springport voting thereon.

Introduced: _____,199_

Adopted: May 9, 1990

Village President

Nancy Newman

Village Clerk

CERTIFICATION

I hereby certify that the Ordinance, of which the foregoing is a true copy, was introduced and given its first reading on _____,199_, was given its second reading and adopted May 9, 1990, and was published in Springport Signal on June 21, 1990.

Nancy Newman
Clerk, Village of Springport