

**VILLAGE OF NORTH BRANCH  
LAPEER COUNTY  
FRANCHISE  
GRANTED TO THE VILLAGE OF NORTH BRANCH  
SOUTHEASTERN MICHIGAN GAS COMPANY  
ORDINANCE NO. 32**

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 North Branch, Lapeer 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 NORTH BRANCH 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 North Branch, Lapeer 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 North Branch, 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 North Branch 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 North Branch or its designated representative of the proposed construction and shall, if the

Village of North Branch so requires, file with the Village of North Branch 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 reasonable necessary to execute said work, and the Grantee shall, at all times, conform to all

applicable ordinances and regulations of the Village of North Branch now or hereafter in force.

e) The Grantee shall indemnify, hold the Village of North Branch harmless and defend it against any claim, action or demand that may be asserted against the Village of North

Branch 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. RULES, REGULATIONS AND RATES. The rules and regulations applicable to the service, the quality of the gas furnished, and the rates charged therefor 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 authority as shall have

jurisdiction of the subject matter, reserving, however, the right of the Village of North Branch 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 North Branch 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 North Branch 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 North Branch

Village 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 of North Branch Clerk and shall remain in

effect for a period of thirty (30) years following its confirmation by a three-fifths (3/5) majority

of the electors of the Village of North Branch voting thereon.

Introduced \_\_\_\_\_

Adopted April 1, 1993

[SIGNED]

Ronald Ward, President

[SIGNED]

Betty Kennedy, Clerk

CERTIFICATION

I hereby certify that the Ordinance, of which the foregoing is a true copy, was introduced and given its first reading on ,1993, and was given its second reading and adopted on April 1, 1993, and was published in The County Press on the 21st of April, 1993.

[SIGNED]

Betty Kennedy, Clerk