

12.400

**MICHIGAN CONSOLIDATED GAS COMPANY GAS
FRANCHISE ORDINANCE
City of Gaylord, Michigan
Ord. No. 1995-1 eff. February 12, 1995**

An Ordinance, granting to MICHIGAN CONSOLIDATED GAS 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, bridge and other public places, and to do a local gas business in the CITY OF GAYLORD, OTSEGO COUNTY, MICHIGAN for a period of thirty years.

THE CITY OF GAYLORD ORDAINS:

12.401

Sec. 1. GRANT OF GAS FRANCHISE AND CONSENT TO LAYING OF PIPES, ETC.

Subject to all the terms and conditions mentioned in this ordinance, consent is hereby given to Michigan Consolidated Gas Company, a corporation organized under the laws of the State of Michigan (the "Company"), and to its successors and assigns, to lay, maintain, operate, and use gas pipes, mains, conductors, service pipes, and other necessary equipment in the highways, streets, alleys, and other public places in the City of Gaylord, Otsego County, Michigan, and a franchise is hereby granted to the Company, its successors and assigns, to transact local business in said City of Gaylord for the purposes of conveying gas into and through and supplying and selling gas in said City of Gaylord and all other matters incidental thereto.

12.402

Sec. 2. GAS SERVICE AND EXTENSION OF SYSTEM.

If the provisions and conditions herein contained are accepted by the Company, as in Section 6 hereof provided, then the Company shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations; and provided further that such initial installation and any extensions shall be subject to the Main Extension provisions, the Area Expansion Program provisions (if and where applicable), and other applicable provisions now or from time to time hereafter contained in the Company's Rules and Regulations for Gas Service as filed with the Michigan Public Service Commission or successor agency having similar jurisdiction.

12.403

Sec. 3. USE OF STREETS AND OTHER PUBLIC PLACES.

The Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys, or other public places within said City of Gaylord and shall within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition as before the

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opening or excavation was made. The Company, its successors and assigns, shall use due care in exercising the privileges herein contained and shall be liable to said City of Gaylord for all damages and costs which may be recovered against City of Gaylord arising from the default, carelessness, or negligence of the company or its officers, agents, and servants.

No road, street, alley, or highway shall be opened for the laying of trunk lines or lateral mains except upon application to the Highway Commissioner or the City of Gaylord or other authority having jurisdiction in the premises, stating the nature of the proposed work and the route. Upon receipt of such application, it shall be the duty of the Highway Commissioners or the City Council or such other authority as may have jurisdiction, to issue a permit to the Company to do the work proposed.

12.404 Sec. 4. STANDARDS AND CONDITIONS OF SERVICE; RULES, REGULATIONS AND RATES.

The Company is now under the jurisdiction of the Michigan Public Service Commission to the extent provided by statute; and the rates to be charged for gas, and the standards and conditions of service and operation hereunder, shall be the same as set forth in the Company's schedule of rules, regulations, and rates as applicable in the several cities, villages, and townships in which the Company is now rendering gas service, or as shall hereafter be validly prescribed for the City of Gaylord under the orders, rules, and regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises.

12.405 Sec. 5. SUCCESSORS AND ASSIGNS.

The words "Michigan Consolidated Gas Company" and "the Company", wherever used herein, are intended and shall be held and construed to mean and include both Michigan Consolidated Gas Company and its successors and assigns, whether so expressed or not.

12.406 Sec. 6. ACQUISITION OF UTILITY PROPERTY.

Without relinquishing its right to condemnation proceedings under law, the City shall have the right to terminate the franchise and purchase all the property of the utility in the streets and highways in the City and elsewhere used in or useful for the operation of the utility at replacement value. Replacement value may include the proportionate amount for the unused period of any compensation paid the City for such franchise, extension or renewal.

12.407 Sec. 7. EFFECTIVE DATE: TERM OF FRANCHISE ORDINANCE; ACCEPTANCE BY COMPANY.

This ordinance shall take effect the day following the date of publication thereof,

which publication shall be made within ten (10) days after the date of its adoption, and shall continue in effect for a period of thirty (30) years thereafter, subject to revocation at the will of the City of Gaylord at any time during said thirty (30) year period provided, however, that when this ordinance shall become effective the City Clerk shall deliver to the Company a certified copy of the ordinance accompanied by written evidence of publication and recording thereof as required by law, and the Company shall, sixty (60) days after receiving the documents from the Clerk, file with the City Clerk its written acceptance of the conditions and provisions hereof.

12.408

Sec. 8. EFFECT AND INTERPRETATION OF ORDINANCE.

All ordinances and resolutions, and parts thereof, which conflict with any of the terms of this ordinance are hereby rescinded. In the case of conflict between this ordinance and any such ordinances or resolutions, this ordinance shall control. The catch line headings which precede each Section of this ordinance are for convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this ordinance.

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