

7161
AN ORDINANCE, granting to CONSUMERS POWER 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, bridges and other public places, and to do a local gas business in the VILLAGE OF OTISVILLE, GENESEE COUNTY, MICHIGAN, for a period of thirty years.

THE VILLAGE OF OTISVILLE ORDAINS:

SECTION 1. That wherever the word "Grantee" appears in this ordinance, it is hereby intended to designate, and shall be held to refer to the Consumers Power Company, a corporation duly authorized to do business in the State of Michigan, its successors and assigns.

SECTION 2. The right, power and authority is hereby granted and vested in said Grantee to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in the Village of Otisville, Genesee County, Michigan, for a period of thirty years.

SECTION 3. In consideration of the rights, power and authority hereby granted, all of which shall vest in the Grantee for a period of thirty (30) years as aforesaid, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 4. No highway, street, alley, bridge or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same good order and condition as when such work was commenced. No part of the highways, streets, alleys, bridges or other public places of said Village shall be permitted to remain in a dangerous or unsafe condition by reason of anything done or omitted to be done by the Grantee, and it shall be liable for such damage as may be suffered by any person or corporation by reason of its negligence in the use of such highways, streets, alleys, bridges or other public places, and shall save harmless said Village from all damage and liability on account thereof.

SECTION 5. The Grantee shall be entitled to charge the inhabitants of said Village for gas, the rates as shown by the schedule now on file with the Michigan Public Service Commission and at present effective within said Village. Said rates shall be subject to review and change at any time by the Michigan Public Service Commission or its successors, upon proper application by either said Grantee or the Village, acting by the Village Council, being made thereto, and the regularly filed rates as approved by said Michigan Public Service Commission or its successors, as applicable to said Village of Otisville, shall at all times be the lawful rates.

All bills for gas furnished by the Grantee shall be payable monthly. The Grantee may collect the minimum charges as specified in said schedule. The Grantee shall also furnish and maintain commercially accurate meters to measure the gas so furnished, and it shall, by its representatives, have at all reasonable times, access to the premises of its customers for the purpose of reading, inspecting, removing and replacing such meters.

SECTION 6. Said Grantee shall construct and extend its gas distribution system within said Village, and shall furnish gas to applicants residing therein, whenever the amount of gas to be furnished thereby shall provide an adequate and reasonable return upon the cost of making such extensions and providing such service.

SECTION 7. The rights and authority herein granted are not exclusive. Either manufactured or natural gas may be furnished hereunder.

SECTION 8. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said Village.

SECTION 9. This franchise shall not be leased, assigned or otherwise alienated except with the approval of and subject to the conditions imposed by the Michigan Public Service Commission or its successors.

SECTION 10. The franchise granted by this ordinance is not subject to revocation, and shall be and become valid and binding only upon its approval by the affirmative vote of at least three-fifths of the electors of the Village voting thereon at a regular or special municipal election to be held in the manner provided by law. Such franchise shall not be submitted to the electors unless the Grantee shall, within thirty days after the adoption of this ordinance, file with the Village Clerk its written acceptance thereof, subject only to such approval; and such franchise, when accepted by the Grantee and approved by the electors as herein provided, shall constitute a contract between the Village and the Grantee, and shall be in force and effect for the term of thirty years from and after the date of approval by said electors.

Councilman Ervin Sutherby moved that said ordinance, as introduced, remain on the table for at least thirty (30) days before its final adoption, and that a copy thereof be kept on file at the office of the Village Clerk for public inspection for said period of thirty (30) days, and that a full public hearing be held with respect to the adoption of said ordinance, such hearing to be held in the Village Hall on the 8th day of October, 1963, at 7:30 o'clock PM, and that at said hearing the inhabitants of the Village of Otisville be given an opportunity to meet and discuss the proposed franchise ordinance, and that the Village Clerk give notice that said ordinance is on file for public inspection and of said public hearing by publishing by posting in five (5) of the most public places in the Village, within ten (10) days from the date of this meeting, a notice setting forth said facts and the purpose and the time and the place of said meeting.

Said motion was supported by Councilman Ralph Smith and was adopted by the following vote:

Yes: President Lorenz Daczner and
Councilmen Ralph Smith, Wesley Price, Duane
Gray, Carroll Owen, Ervin Sutherby and
James Eastman

No: None

The President declared the motion duly carried.