

ORDINANCE NO. 2024-001

FRANCHISE

MICHIGAN GAS UTILITIES CORPORATION

AN ORDINANCE GRANTING TO MICHIGAN GAS UTILITIES CORPORATION, A DELAWARE CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER, AUTHORITY AND PERMISSION TO USE THE HIGHWAYS, STREETS, ALLEYS AND OTHER PUBLIC PLACES OF THE VILLAGE OF MAYBEE, COUNTY OF MONROE, STATE OF MICHIGAN, FOR THE PURPOSE OF LAYING AND MAINTAINING GAS PIPES, MAINS, CONDUITS, VALVES, DRIPS AND ALL NECESSARY APPURTENANCES IN, UNDER AND ALONG THE HIGHWAYS, STREETS, ALLEYS AND OTHER PUBLIC PLACES, OF SAID VILLAGE, AND THE RIGHT, POWER AND PERMISSION TO CONDUCT AND OPERATE A GENERAL GAS BUSINESS AND DISTRIBUTION SYSTEM IN SAID VILLAGE OF MAYBEE, COUNTY OF MONROE, STATE OF MICHIGAN FOR A PERIOD OF THIRTY (30) YEARS.

THE VILLAGE COUNCIL OF THE VILLAGE OF MAYBEE, COUNTY OF MONROE, STATE OF MICHIGAN HEREBY ORDAINS:

Section 1. Granting of Non-Exclusive Franchise to Use Highways, Streets, Alleys and Public Places. The Village of Maybee, County of Monroe, State of Michigan, (hereinafter called "Village"), hereby grants to Michigan Gas Utilities Corporation, a Delaware corporation (hereinafter called "Grantee"), its successors and assigns, a non-exclusive franchise to use the highways, streets, alleys and other public places of the Village of Maybee, County of Monroe, State of Michigan, for the purpose of constructing, maintaining and operating a gas distribution system in said Village with full right, power and authority to establish, construct, maintain, extend and operate a plant, stations, mains, pipes, conduits, valves, drips and all other appurtenances, apparatus and appliances within the corporate limits of the Village of Maybee, County of Monroe, State of Michigan, for the purpose of supplying

shall succeed to the jurisdiction, rights, powers and authority of said Commission.

Section 5. Term: Effective Date. The rights granted in this franchise shall continue in full force and effect for a period of thirty (30) years from the effective date thereof. The effective date of this franchise shall be the latter of the date of the acceptance of the franchise by Grantee, which acceptance shall be filed by the Grantee, in writing, within sixty (60) days after the enactment of this ordinance or the day following the date of publication of the ordinance.

Section 6. Franchise Revocable; Irrevocability Upon Approval of Electors. The franchise herein granted shall be revocable at the will of the governing body of this Village, PROVIDED, however, that the same shall become irrevocable if and when confirmed by a majority of the electors voting upon the question at the next general election or at any special election called for that purpose. Such special election shall be held at the request of said Grantee.

Section 7. Assignment of Franchise. The Grantee shall not assign this Franchise to any person, firm or corporation without the prior written approval of the Village of Maybee and unless the assignee is, in the opinion of the management of Michigan Gas Utilities and the Village, financially able to carry out the Grantee's obligations under the 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 8. Expenses of Election Paid by Grantee. In the event of a special election, all costs and expenses thereof incidental and direct shall be paid by the Grantee. Prior to scheduling a special election, Grantee shall deposit into an escrow an amount estimated by the Village Clerk for such special election costs. Any deficiency in

shall succeed to the jurisdiction, rights, powers and authority of said Commission.

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Section 6. Franchise Revocable; Irrevocability Upon Approval of Electors. The franchise herein granted shall be revocable at the will of the governing body of this Village, PROVIDED, however, that the same shall become irrevocable if and when confirmed by a majority of the electors voting upon the question at the next general election or at any special election called for that purpose. Such special election shall be held at the request of said Grantee.

Section 7. Assignment of Franchise. The Grantee shall not assign this Franchise to any person, firm or corporation without the prior written approval of the Village of Maybee and unless the assignee is, in the opinion of the management of Michigan Gas Utilities and the Village, financially able to carry out the Grantee's obligations under the 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.

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the amount shall be paid to the Village within thirty (30) days after the final cost is determined and any excess shall be refunded to Grantee by the Village within thirty (30) days after the final cost is determined.

Section 9. Repeal of Prior Ordinance. The Franchise Ordinance adopted by Village, known as Ordinance Number 123 and all amendments thereto, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

Section 10. Publication. The Village Clerk is hereby directed to cause a true copy of this ordinance to be published in *The Monroe News*, a newspaper circulating within the Village within thirty (30) days hereof.

Section 11. Recording of Ordinance. Within one (1) week after the publication of this ordinance, the Village Clerk shall record the ordinance in the Book of Ordinances kept by the Clerk for such purpose. Such record shall include the date of passage hereof, the names of the members voting hereon and how each member voted. An attested copy of the Ordinance shall also be filed with the Monroe County Clerk within one (1) week after the publication.

Presented by: B. Jott - Council

Seconded by: D. Shaw - Council

Voting in Favor: Council voting in Favor!  
M. Gramlich -  
T. Kato -  
N. Archer -  
Presid. - J. Grubb

Voting Against 0  
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I hereby attest that the foregoing Ordinance was adopted by the Village Council of the Village of Maybee, County of Monroe, State of Michigan at a regular meeting held on the 14 day of Feb., 2024.

Dated: 2/14/24  
Cassie L. Shaw  
Maybee Village Clerk