

**CITY OF HARTFORD
COUNTY OF VAN BUREN
STATE OF MICHIGAN**

ORDINANCE # 175-2021 AMENDED

AN ORDINANCE GRANTING TO CONSUMERS POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER AND AUTHORITY TO LAY, MAINTAIN AND COMMERCIALY OPERATE GAS LINES AND FACILITIES INCLUDING BUT NOT LIMITED TO MAINS, PIPES, SERVICES AND ON, UNDER, ALONG, AND ACROSS PUBLIC PLACES INCLUDING BUT NOT LIMITED TO HIGHWAYS, STREETS, ALLEYS, BRIDGES, AND WATERWAYS, AND TO CONDUCT A LOCAL GAS BUSINESS IN THE CITY OF HARTFORD, VAN BUREN COUNTY, MICHIGAN, FOR A PERIOD OF THIRTY YEARS. AMENDING ORDINANCE NO. 175 OF 1990.

THE CITY OF HARTFORD ORDAINS:

SECTION 1 GRANT & TERM

The CITY OF HARTFORD, VAN BUREN COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Grantee," the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and valves on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the CITY OF HARTFORD, VAN BUREN COUNTY, MICHIGAN, for a period of thirty years

SECTION 2 CONDITIONS

No public place used by said Grantee shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Grantee's gas lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of public places. Grantee shall have the right to trim or remove trees if necessary, in compliance with the City's Tree Ordinance no. 305--2008, in the conducting of such business.

SECTION 3. HOLD HARMLESS

Said Grantee shall, at all times, keep and save the City free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the lines and related facilities hereby authorized. In case any action is commenced against the City on account of the permission herein given, the Grantee shall, upon notice, defend the City and its representatives and hold them harmless from all loss, costs and damage arising out of such negligent construction and maintenance.

SECTION 4. EXTENSIONS

Said Grantee shall construct and extend its gas distribution system within said City, and shall furnish gas service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 5. FRANCHISE NOT EXCLUSIVE

The rights, power and authority herein granted, are not exclusive.

SECTION 6. RATES & CONDITIONS

Said Grantee shall be entitled to provide gas service to the inhabitants of the City at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission. Such rates and conditions shall be subject to review and change upon petition to the Michigan Public Service Commission.

SECTION 7. RESTORATION OF PROPERTY

Grantee shall immediately (subject to seasonal work restrictions) restore, at its sole expense, in a manner approved by the City, any portion of the public Right – of – Way that is in any way disturbed, damaged, or injured by the

construction, installation, operation, maintenance or removal of the facilities to an equivalent or better condition as that which existed prior to the disturbance.

SECTION 8. PUBLIC RIGHT – OF – WAY PERMIT

Grantee shall obtain a Right – of – Way permit for each proposed new facility or other project's and maintenance within the Right – of Way.

SECTION 9. REVOCATION

The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.

SECTION 10. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION

Said Grantee shall remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in the City and those rules and regulations preempt any term of any ordinance of the City to the contrary.

SECTION 11. REPEALER

This amended ordinance, when enacted, shall repeal and supersede the provisions of any previous Consumers' gas franchise ordinance adopted by the City including any amendments.

SECTION 12. EFFECTIVE DATE

This ordinance shall take effect upon publication: _____.

Yeas:

Nays: Absent:

MADE, PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF HARTFORD, VAN BUREN COUNTY, MICHIGAN, ON THE _____DAY OF _____, 2020.

AND PUBLISHED IN THE TRI-CITY RECORD ON _____.

CERTIFICATION

I hereby certify that the above is a true and complete copy of the ordinance adopted by the City Commission of the City of Hartford, County of Van Buren, State of Michigan, at a regular meeting held on the _____day, of _____, 2020, and that said meeting was conducted pursuant to and in full compliance with Act No 267, Public Acts of Michigan, 1976 as required by said act.

RoxAnn Rodney-Isbrecht, City Clerk