

ORDINANCE NO. 203

AN ORDINANCE AUTHORIZING MICHIGAN GAS UTILITIES CORPORATION, A DELAWARE CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO DISTRIBUTE AND SELL GASEOUS FUEL, NATURAL, MANUFACTURED OR MIXED GAS IN THE CITY OF LUNA PIER, COUNTY OF MONROE, MICHIGAN

The City of Luna Pier, located in Monroe County, Michigan, ordains as follows:

Section 1. GRANT OF FRANCHISE. The City of Luna Pier, Monroe County, Michigan, hereby grants unto Michigan Gas Utilities Corporation, a Delaware corporation, its successors and assigns, a franchise to distribute and sell gaseous fuel, natural, manufactured or mixed gas in the City of Luna Pier, Monroe County, Michigan.

Section 2. AUTHORITY PROVIDED. Subject to the conditions hereinafter set forth, permission and authority is hereby granted to said Michigan Gas Utilities Corporation to construct, install, lay, operate, maintain, extend, improve and add to, mains, pipes and other facilities for the purpose of transmitting and delivering such gas along, across, in and within, the limits of any public highway, street, alley, sidewalk, and all other places under control of said City. All such structures and transmission or delivery facilities which Michigan Gas Utilities Corporation is authorized by this ordinance to construct, install, lay, operate, maintain, extend, improve or add to shall comply with present and future City zoning or other state or local regulation, including the rules and regulations of other governmental agencies as may be applicable. Michigan Gas Utilities Corporation shall have the right to remove such pavements, and make excavations, as may be necessary to lay, remove, repair and maintain mains, pipes and other facilities. The designation of the routes of such mains, pipes and other facilities for the purpose of transmitting such gas along, across, in and within such highways, streets, alleys,

sidewalks, and all other places under the control of said City shall be subject to the reasonable bond requirement, regulation, direction and prior approval of the City.

Section 3. NONINTERFERENCE WITH PUBLIC USES. In its exercise of the authority granted herein, Michigan Gas Utilities Corporation shall not injuriously interfere with other public uses of such highways, streets, alleys, sidewalks and other public places, and shall, without unnecessary delay, replace or restore to their original conditions, at its own expense, all such highways, streets, alleys, sidewalks and public places when excavated or otherwise disturbed by Michigan Gas Utilities Corporation in connection with Michigan Gas Utilities Corporation's construction, installation, operation, maintenance and improvement to its mains, pipes and other facilities. The City hereby reserves the right, at its option, to replace, or cause to be replaced, said highways, streets, sidewalks, alleys and other public places under the City's control to the same, or as nearly as practical the same, condition as before being excavated or otherwise disturbed in the exercise of this franchise, and pending the time of such replacement, to maintain the same so that they shall be reasonably safe and convenient for public travel and use, and to charge the reasonable cost and expense thereof to Michigan Gas Utilities Corporation, its successors and assigns, payable upon demand of said City. Any damage to public installations by Michigan Gas Utilities Corporation, its successors or assigns, by reason of the exercise of this franchise shall be repaired or replaced as may require within a reasonable time by Michigan Gas Utilities Corporation at its expense and in default thereof, by said City at the reasonable cost and expense of Michigan Gas Utilities Corporation.

Section 4. GOVERNING LAWS, RULES AND REGULATIONS. Authority granted herein is subject to all conditions and provisions of the laws of the State of Michigan, and to all lawful orders, rules and regulations of the Michigan Public Service Commission and of any other agency having authority under law, from time to time, over the operations of Michigan Gas Utilities Corporation under or pursuant to the franchise granted by this ordinance.

Section 5. HOLD HARMLESS. Michigan Gas Utilities Corporation, its successors and assigns, shall save and keep the City of Luna Pier harmless from any and all claims for damages to persons or property arising out of the exercise of the franchise and rights herein granted which the said City shall or might become legally obligated to pay. However, Michigan Gas Utilities Corporation need not save the City harmless from claims, losses and expenses arising out of the negligence of the City of Luna Pier, its employees or agents.

Section 6. PRESENTLY EXISTING RIGHT. This franchise is in addition to, and not in derogation of, presently existing rights of Michigan Gas Utilities Corporation, and acceptance of this franchise by Michigan Gas Utilities Corporation shall in no way affect, diminish or abrogate such presently existing rights of Michigan Gas Utilities Corporation to distribute and sell gaseous fuel, natural, manufactured, or mixed gas in the City of Luna Pier, Monroe County, Michigan.

Section 7. EFFECTIVE PERIOD. This franchise granted shall continue in full force and effect for a period of 30-years from the effective date thereof. The effective date of this ordinance shall be after the date of acceptance of the ordinance by Michigan Gas

Utilities Corporation and on the date following publication of this ordinance, whatever date is later.

Section 8. SEVERABILITY. If any clause, sentence, or section of this Ordinance is deemed invalid by any judicial, regulatory, or legislative body having proper jurisdiction, the remaining provisions shall not be affected.

Section 9. CONFIRMATION. This franchise shall be subject to revocation at the will of the City of Luna Pier.

Passed _____, 2008

This franchise is hereby accepted, along with its terms and conditions, by _____ on behalf of Michigan Gas Utilities Corporation on this _____ day of _____, 2008.

CERTIFICATION

The undersigned City of Luna Pier, Monroe County, Michigan, hereby certifies that the foregoing Ordinance was published in the _____, a newspaper of general circulation in the City of Luna Pier, on the following date(s) _____, and was thereafter filed at the office of the _____ County Clerk on _____.

Dated: _____

Clerk of the _____ of _____
_____ County, Michigan

AN ORDINANCE AUTHORIZING MICHIGAN GAS UTILITIES CORPORATION, A DELAWARE CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO DISTRIBUTE AND SELL GASEOUS FUEL, NATURAL, MANUFACTURED OR MIXED GAS IN THE CITY OF LUNA PIER, MONROE COUNTY, MICHIGAN.

Adoption of said ordinance being put to a vote, the same was carried by the following vote:

AYES: _____

NAYS: _____

The foregoing ordinance was thereupon declared duly adopted by the City of Luna Pier.

I hereby certify that the above and foregoing is a true and correct copy of a franchise granted to Michigan Gas Utilities Corporation at a regular meeting of the city council of the City of Luna Pier, Monroe County, Michigan, held on the ___ day of _____, 2008_.

Clerk of the _____ of _____
_____ County, Michigan

DATED: _____