

**BARTON HILLS VILLAGE  
WASHTENAW COUNTY, MICHIGAN**

**ORDINANCE NO. 19**

*[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 PRIVATE HIGHWAYS, STREETS, ALLEYS, BRIDGES AND PUBLIC PLACES, AND TO DO A LOCAL GAS BUSINESS IN THE VILLAGE OF BARTON HILLS, WASHTENAW COUNTY, MICHIGAN FOR A PERIOD OF THIRTY YEARS]*

BARTON HILLS VILLAGE ORDAINS:

SECTION 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 private highways, streets, alleys, and public places in the Village of Barton Hills ("Village"), Washtenaw County, Michigan, and a franchise is hereby granted to the Company, its successors and assigns, to transact local business in said Village for the purposes of conveying gas into and through and supplying and selling gas in said Village and all other matters incidental thereto. This consent and franchise shall be effective upon the ratification and consent by the Barton Hills Maintenance Corporation ("Corporation") and shall remain in effect predicated upon the existence of a valid lease between the Village and the Corporation.

SECTION 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 in said Village in accordance with applicable laws, rules and regulations; and provided further that such initial installation

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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.

SECTION 3. USE OF STREETS AND PUBLIC PLACES. It is recognized that the thoroughfares within the Village are private and owned by the Corporation and leased to the Village under a renewable lease by and between the Village and the Corporation. Further, it is recognized that the Village, under its Charter, has the authority to enter into franchise agreements and that public utilities are necessary for the health, safety, and welfare of the residents of the Village, and further that gas lines have previously been installed and maintained in the Village by the Company under the authority of a prior franchise agreement made with Ann Arbor Township, predating the incorporation of the Village, which franchise has expired.

The Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys, or public places within said Village 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 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 Village and the Corporation for all damages and costs which may be recovered against the Village or the Corporation arising from the default, carelessness, or

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negligence of the Company or its officers, agents, and servants.

No road, bridge, street, alley, highway, public or private, owned by or leased to the Village, shall be opened by the Company for the laying of trunk lines or lateral mains except upon application to the Highway Commissioners or the Village 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 Village Council, or such other authority as may have jurisdiction, to act promptly in reviewing such application and to signify its consent by granting a permit for the work unless there is a reasonable basis for refusing such consent and permit. It is understood that the location of gas pipelines and related structures when located within a right-of-way or utility easement not existing on the effective date of this ordinance shall be subject to the provisions of the Zoning Ordinance of Barton Hills Village.

SECTION 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 Village under the orders, rules, and regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises.

SECTION 5. SUCCESSORS AND ASSIGNS. The words "Michigan Consolidated Gas Company" and "the Company", wherever used herein, are intended and shall be held and

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construed to mean and include both Michigan Consolidated Gas Company and its successors and assigns, whether so expressed or not.

SECTION 6. 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 Village at any time during said thirty (30) year period; provided, however, that when this ordinance shall become effective the Village 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 the date this ordinance takes effect, file with the Village Clerk its written acceptance of the conditions and provisions hereof.

SECTION 7. 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.

Adopted: February 19, 1996  
Published: February 27, 1996  
Effective: February 28, 1996

Doris Foss, Clerk  
Frederick Pickard, President