

638

71-4.19

ORDINANCE NO. 638

ORDINANCE GRANTING TO PACIFIC GAS AND ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO ERECT, CONSTRUCT, INSTALL, MAINTAIN AND OPERATE ELECTRIC LINES CONSISTING OF POLES, CONDUITS, AND/OR OTHER SUITABLE STRUCTURES, WITH WIRES, CABLES, COMMUNICATION CIRCUITS, IN, OVER, ACROSS, UNDER, THROUGH AND UPON SO MANY AND IN SUCH PARTS OF THE PUBLIC STREETS, ROADS, ALLEYS AND HIGHWAYS OF OR IN THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AS THE GRANTEE OF SAID FRANCHISE, ITS SUCCESSORS OR ASSIGNS, MAY FROM TIME TO TIME ELECT TO USE FOR THE FOLLOWING PURPOSES, AND TO USE SUCH ELECTRIC LINES FOR TRANSMITTING, CONVEYING, DISTRIBUTING AND SUPPLYING ELECTRICITY TO THE PUBLIC FOR ANY AND ALL PURPOSES.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DO ORDAIN AS FOLLOWS:

WHEREAS, Pacific Gas and Electric Company, hereinafter called Pacific, a California corporation duly organized and existing under and by virtue of the laws of the State of California, and duly qualified and authorized to transact a public utility business within said State, on the 14th day of August, 1952, filed with this Board, the Board of Supervisors of the County of Santa Clara, State of California, a written application for the franchise hereinafter set forth; and

WHEREAS, said application was made under and in conformity with the laws of the State of California pertaining to the granting of franchises by county authorities and under the provisions of Ordinance No. 558, being Franchise Ordinance No. 1, and under the provisions of Ordinance No. 574 (except as herein otherwise provided), being Franchise Ordinance No. 2 of the County of Santa Clara; and

WHEREAS, this Board, in the exercise of its discretion did, by resolution duly and regularly adopted at a regular meeting thereof held on the 18th day of August, 1952, propose to grant such franchise for an indeterminate duration upon the terms, conditions and restrictions imposed and required by law, and resolved that it

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would receive sealed bids for such franchise, all such bids to be delivered to the Clerk of this Board, viz., the County Clerk of said County of Santa Clara, at his office in the Courthouse of said County of Santa Clara, State of California, up to the 22nd day of September, 1952, at the hour of 10:00 o'clock A.M. of said day, and that thereupon at said time and at the regular meeting room of this Board in said Courthouse, said bids would be opened and said franchise struck off, sold and awarded by this Board to the person, firm or corporation making the highest cash bid therefor in the manner provided by Chapter 1, Division 3 of the Public Utilities Code of the State of California; and

WHEREAS, this Board by the aforesaid Resolution fixed One Thousand Dollars (\$1,000.00) as the penal sum of the bond to be filed by the successful bidder for said franchise within five (5) days after the awarding of said franchise to said successful bidder; and

WHEREAS, this Board did, by the aforesaid Resolution, order and direct that there be published in the SAN JOSE MERCURY, a daily newspaper of general circulation of, and published in, said County of Santa Clara, State of California, once a day for ten (10) successive days, commencing on the 20th day of August, 1952, or as often during said period as said paper is published, notice that said application has been filed and that the Board proposed to grant said franchise to the highest bidder, all as required by said Chapter 1, Division 3, of the said Public Utilities Code; and

WHEREAS, this Board finds that said notice has been duly published in said SAN JOSE MERCURY in the manner and for the period required by law, and that said publication was completed not less than twenty (20) nor more than thirty (30) days before any further action on said franchise was taken by this Board; and

WHEREAS, at the time and place aforesaid, said sealed bids

were opened, and said franchise was struck off, sold and awarded, by this Board, to Pacific, the corporation which made the highest cash bid therefor in the manner provided by said Chapter 1, Division 3, of said Public Utilities Code; and

WHEREAS, Pacific, within five (5) days after said franchise was so awarded, to wit, on the 26th day of September, 1952, filed with this Board a bond, conditioned according to law, running to said County of Santa Clara in the penal sum of One Thousand Dollars (\$1,000.00), being the amount heretofore fixed by this Board as the penal sum of said bond, which said bond was a good and sufficient bond and was in all respects as required by law and was thereupon and heretofore and is hereby approved by this Board.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA DO ORDAIN AS FOLLOWS:

Section 1. Pacific Gas and Electric Company, and its successors and assigns, hereinafter called grantee, are hereby granted by said County of Santa Clara the franchise to (a) erect, construct, install, maintain and operate electric lines consisting of poles, conduits, and/or other suitable structures, with wires, cables, and/or other appliances installed thereon or therein, including communication circuits, in, over, across, under, through and upon so many and in such parts of the public streets, roads, alleys and highways of or in said county, now or hereafter established in said county (all of which are hereinafter called public roads) as said grantee may from time to time elect to use for the following purposes, and (b) to use such electric lines for transmitting, conveying, distributing, and supplying electricity to the public for any and all purposes.

Section 2. The term of said franchise shall commence with effective date hereof, and continue and remain in full force and

effect until such time as said grantee shall surrender or abandon same or this franchise shall be forfeited for noncompliance by the possessor thereof with its terms, or the State of California, said county, or other public corporation thereunto duly authorized, shall purchase by voluntary agreement or shall condemn and take under the power of eminent domain in accordance with then existing law all property actually used and useful in the exercise of said franchise situate within the unincorporated area of said county. Said franchise shall never be considered or taken into account, in fixing the value of said property, in excess of the actual cost to said grantee in procuring the same.

Section 3. All said electric lines, constructed or used under and pursuant to the provisions of this ordinance, and in the exercise of the franchise granted hereby, shall be erected, constructed, maintained and removed in a good and workmanlike manner under the direction of the County Road Commissioner. It is the intention of this Board that this ordinance shall constitute a renewal of rights already in existence so that all installations of whatever character which have been lawfully placed in the public highways under the terms of any prior ordinance of this Board, granting a franchise to Pacific, are hereby specifically approved and ratified, and may be maintained, altered, removed or otherwise changed or renewed under the terms and provisions of this ordinance; provided that all new construction or installations, not mere improvements on existing installations, shall be governed by the terms and provisions of this ordinance and shall be constructed, installed, maintained and removed by Pacific in compliance with all valid laws.

Section 4. Whenever it is proposed by said grantee to open any public road, of or in the County of Santa Clara, the said grantee shall serve notice upon the Road Commission and Engineer of the said county a reasonable length of time prior to commencing

the said operation. Nothing herein shall be construed to mean that the said grantee need secure approval of any such operation, provided that reasonable regulations may be imposed by the said Road Commissioner and Engineer to protect the public of said county. Where emergency operations are indicated by circumstances beyond the control of the grantee, notice need not be delivered to the said Road Commissioner and Engineer prior to remedial action being taken.

Section 5. Said grantee shall at all times keep said electric lines, and all parts thereof, in good order and condition, provided that if damage should result to the ground and road surfaces thereover, the grantee shall repair the same immediately.

Section 6. Such grantee shall have the right to maintain, repair, and replace any or all of such electric lines from time to time as may be necessary and proper.

Section 7. Such grantee must, during the life of said franchise, pay to said county two per cent (2%) of the gross annual receipts arising from the use, operation or possession thereof. Said franchise payment shall be made annually on or before the 15th day of April of each year, notwithstanding the provisions of Section 6 of said Ordinance 574 otherwise providing. The first annual franchise payment hereunder shall comence to accrue from and after the 1st day of the month upon which this ordinance shall become effective, for the balance of the calendar year of 1952.

Section 8. Said grantee shall have the right to appeal to the courts having jurisdiction thereof the question of reasonableness of the decision of the Board of Supervisors in respect to the reasonableness of the demand of officials to inspect reports or maps of said grantee as authorized by Section 5 of said Ordinance 574.

Section 9. This ordinance shall take effect and be in force


from and after thirty (30) days from its passage, unless suspended from going into operation by a referendum petition filed as provided by law, and shall, before the expiration of fifteen (15) days after the passage thereof, be published once, with the names of the members of said Board of Supervisors voting for and against the same, in the SANTA CLARA JOURNAL, a newspaper of general circulation published in said County of Santa Clara.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, as an ordinance of said county at a regular meeting of said Board of Supervisors held this 29th day of September, 1952, by the following vote:

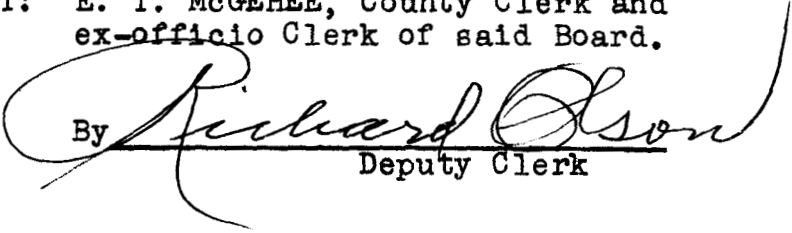
AYES: Supervisors, Campbell, McKinnon, PFEIFLE, Wool, Brown

NOES: Supervisors, None

ABSENT: Supervisors, None


Chairman of the Board of Supervisors
of the County of Santa Clara, State
of California.

ATTEST: E. T. McGEHEE, County Clerk and
ex-officio Clerk of said Board.

By 
Deputy Clerk

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ORDINANCE NO. 5

ORDINANCE GRANTING TO PACIFIC GAS AND ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO ERECT, CONSTRUCT, INSTALL, MAINTAIN AND OPERATE ELECTRIC LINES CONSISTING OF POLES, CONDUITS, AND/OR OTHER SUITABLE STRUCTURES, WITH WIRES, CABLES, COMMUNICATION CIRCUITS, IN, OVER, ACROSS, UNDER, THROUGH, AND UPON SO MANY AND IN SUCH PARTS OF THE PUBLIC STREETS, ROADS, ALLEYS AND HIGHWAYS OF OR IN THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AS THE GRANTEE OF SAID FRANCHISE, ITS SUCCESSORS OR ASSIGNS, MAY FROM TIME TO TIME ELECT TO USE FOR THE FOLLOWING PURPOSES, AND TO USE SUCH ELECTRIC LINES FOR TRANSMITTING, CONVEYING, DISTRIBUTING AND SUPPLYING ELECTRICITY TO THE PUBLIC FOR ANY AND ALL PURPOSES.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DO ORDAIN AS FOLLOWS:

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WHEREAS, said application was made under and in conformity with the laws of the State of California pertaining to the granting of franchises by county authorities and under the provisions of Ordinance No. 558, being Franchise Ordinance No. 1, and under the provisions of Ordinance No. 574 (except as herein otherwise provided), being Franchise Ordinance No. 2 of the County of Santa Clara; and

WHEREAS, this Board, in the exercise of its discretion did, by resolution duly and regularly adopted at a regular meeting thereof held on the 18th day of

August, 1952, propose to grant such franchise for an indeterminate duration upon the terms, conditions and restrictions imposed and required by law, and resolved that it would receive sealed bids for such franchise, all such bids to be delivered to the Clerk of this Board, viz., the County Clerk of said County of Santa Clara, at his office in the Courthouse of said County of Santa Clara, State of California, up to the 22nd day of September, 1952, at the hour of 10:00 o'clock A.M. of said day, and that thereupon at said time and at the regular meeting room of this Board in said Courthouse, said bids would be opened and said franchise struck off, sold and awarded by this Board to the person, firm or corporation making the highest cash bid therefor in the manner provided by Chapter 1, Division 3 of the Public Utilities Code of the State of California; and

WHEREAS, this Board by the aforesaid Resolution fixed One Thousand Dollars (\$1,000.00) as the penal sum of the bond to be filed by the successful bidder for said franchise within five (5) days after the awarding of said franchise to said successful bidder; and

WHEREAS, this Board did, by the aforesaid Resolution, order and direct that there be published in the SAN JOSE MERCURY, a daily newspaper of general circulation of, and published in, said County of Santa Clara, State of California, once a day for ten (10) successive days, commencing on the 20th day of August, 1952, or as often during said period as said paper is published, notice that said application has been filed and that the Board proposed to grant said franchise to the highest bidder, all as required by said Chapter 1, Division 3, of the said Public Utilities Code; and

WHEREAS, this Board finds that said notice has been duly published in said SAN JOSE MERCURY in the manner and for the period required by law, and that said publication was completed not less than twenty (20) nor more than thirty (30) days before any further action on said franchise was taken by this Board; and

WHEREAS, at the time and place aforesaid, said sealed bids were opened, and said franchise was struck off, sold and awarded, by this Board, to Pacific, the corporation which made the highest

therefor in the manner provided by said Chapter 1, Division 3, of said Public Utilities Code; and

WHEREAS, Pacific, within five (5) days after said franchise was so awarded, to wit, on the 26th day of September, 1952, filed with this Board a bond, conditioned according to law, running to said County of Santa Clara in the penal sum of One Thousand Dollars (\$1,000.00), being the amount heretofore fixed by this Board as the penal sum of said bond, which said bond was a good and sufficient bond and was in all respects as required by law and was thereupon and heretofore and is hereby approved by this Board.

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Section 2. The term of said franchise shall commence with effective date hereof, and continue and remain in full force and effect until such time as said grantee shall surrender or abandon same or this franchise shall be forfeited for noncompliance by the possessor thereof with its terms, or the State of California, said county, or other public corporation thereunto duly authorized, shall purchase by voluntary agreement or shall condemn and take under the power of eminent domain in accordance with then existing law all property actually used and useful in the exercise of said franchise situate within