

NS-4.4
ORDINANCE NO. 113

ORDINANCE GRANTING TO PACIFIC GAS AND ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS THE RIGHT, PRIVILEGE AND FRANCHISE OF ERECTING, CONSTRUCTING AND MAINTAINING ELECTRIC LINES CONSISTING OF POLES OR OTHER SUITABLE STRUCTURES AND WIRES, CROSSARMS AND OTHER APPLIANCES INSTALLED THEREON IN SO MANY AND IN SUCH PARTS OF THE PUBLIC HIGHWAYS, STREETS, ROADS AND PLACES OF THE COUNTY OF **SANTA CLARA**, STATE OF CALIFORNIA, AS THE GRANTEE OF SAID RIGHT, PRIVILEGE AND FRANCHISE MAY FROM TIME TO TIME ELECT TO USE FOR THE PURPOSES HEREINAFTER SPECIFIED, AND OF USING SUCH ELECTRIC LINES FOR THE PURPOSE OF TRANSMITTING, CONVEYING, DISTRIBUTING AND SUPPLYING ELECTRICITY TO THE PUBLIC FOR LIGHT, HEAT, POWER AND ALL LAWFUL PURPOSES.

THE BOARD OF SUPERVISORS OF THE COUNTY OF **SANTA CLARA** DO ORDAIN AS FOLLOWS:

Section 1. The right, privilege and franchise of erecting, constructing and maintaining electric lines consisting of poles or other suitable structures and wires, crossarms and other appliances installed thereon, including wires for the private telephone and telegraph purposes of the grantee, in so many and in such parts of the public highways, streets, roads and places of said County of **Santa Clara** as the grantee of said right, privilege and franchise may from time to time elect to use for the purposes hereinafter specified, and of using such electric lines for the purpose of transmitting, conveying, distributing and supplying electricity to the public for light, heat, power and all lawful purposes, are hereby granted by said County of **Santa Clara** for the term of fifty (50) years from and after the time when this ordinance shall take effect, to Pacific Gas and Electric Company, its successors and assigns.

Section 2. All electric lines which shall be constructed and used under and pursuant to the provisions of this ordinance and in the exercise of the right,

privilege and franchise herein granted shall be erected and constructed in a good and workmanlike manner under the direction of the Road Commissioner of the District in which such highways, streets and roads are and shall be maintained in compliance with all valid laws and ordinances from time to time in force; provided, however, that no poles shall be erected in that portion of the highway, street or road employed or used for vehicular traffic.

Section 3. The owner for the time being of the said right, privilege and franchise shall, immediately upon erecting, constructing, replacing or repairing the said electric lines, or any part thereof, at its own cost and expense place said highways, streets and roads, or so much thereof as may have been damaged thereby, in as good order and condition as that in which they were before being disturbed or excavated for the purpose of erecting, constructing, replacing or repairing said electric lines or any part thereof.

Section 4. The owner for the time being of said right, privilege and franchise 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 5. The grantee of the aforesaid right, privilege and franchise, its successors and assigns, shall, during the term for which the same is granted, pay to the said County of Santa Clara two per cent. (2%) of its or their gross annual receipts arising from the use, operation or possession thereof; provided, however, that no percentage shall be paid for the first five (5) years succeeding the date of the grant of said right, privilege and franchise, but thereafter such percentage shall be payable annually, and if such payment shall not be made, such right, privilege and franchise shall be forfeited; provided, however, that if

said franchise be a renewal of a right already in existence the payment of said percentage of gross receipts shall begin at once.

Section 6. The said right, privilege and franchise are granted under and pursuant to the provisions of the laws of the State of California which relate to the granting of rights, privileges and franchises by counties.

Section 7. This ordinance shall take effect and be in force upon the expiration of thirty (30) days after 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, with the names of the members of said Board of Supervisors voting for and against the same, for one (1) week in the San Jose Mercury Herald, a newspaper published in said County of **Santa Clara**.

PASSED this 8th day of June, 1936,
by the following vote:

AYES: Supervisors Ayer, Cooley, McKinnon,
McClay, Wecker.
NOES: Supervisors None.
ABSENT: Supervisors None

J. Hester
Chairman of the Board of Supervisors
of the County of **Santa Clara**.

ATTEST:

FRANK W. HOGAN
County Clerk of the County
of **Santa Clara**.

By Eugene M. Don
Deputy Clerk