

ORDINANCE NO. 72

ORDINANCE GRANTING TO COAST COUNTIES GAS & ELECTRIC CO., ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE, RIGHT, PRIVILEGE AND PERMISSION TO LAY DOWN, CONSTRUCT, MAINTAIN AND OPERATE A SYSTEM FOR THE MANUFACTURE AND/OR DISTRIBUTION OF GAS, GAS PIPES, FIXTURES, APPURTENANCES AND APPLIANCES AS MAY BE CONVENIENT AND PROPER, THROUGH, UNDER AND ALONG THE ROADS, HIGHWAYS, PUBLIC WAYS, STREETS, LANES, AND PUBLIC GROUNDS AND PLACES IN THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA FOR THE PURPOSE OF SUPPLYING AND CONVEYING GAS FOR FURNISHING LIGHT, HEAT AND POWER, OR ANY THEREOF, AND FOR ALL OR ANY OTHER PURPOSE FOR WHICH GAS CAN OR MAY BE USED, FOR THE PERIOD OF FIFTY (50) YEARS FROM THE DATE OF THIS ORDINANCE.

Be it ordained by the County of Santa Clara, State of California, as follows:

That Whereas, on the 17 day of June, 1929, Coast Counties Gas & Electric Co., filed with the Board of Supervisors of the County of Santa Clara, State of California, an application in writing for the franchise, hereinafter set forth:

Whereas, said Board of Supervisors did, by resolution duly passed and adopted at a regular meeting of said Board of Supervisors held on the 17 day of June, 1929, resolve to grant said franchise for said term of fifty years upon the terms and conditions and restrictions imposed and required by law, and by said resolution so passed as aforesaid, said Board of Supervisors further resolved that sealed bids for said franchise be received by said Board of Supervisors and filed with the County Clerk of said County of Santa Clara, up to the hour of 11 o'clock AM. on the 15 day of July, 1929, and that said bids be opened at said last mentioned time and date and that said franchise be thereupon struck off, sold and awarded to the person, firm or corporation making the highest cash bid therefor, in the manner provided by law, and at said meeting said Board of Supervisors did, by resolution, prescribed, and fix the sum of \$1000.00 to be the penal sum or amount of the bond required by law, to be filed for the successful bidder for said franchise; and

Whereas, said Board of Supervisors did, by the aforesaid resolution, authorize and direct the County Clerk of said County of Santa Clara, on behalf of said Board of Supervisors, to advertise and publish statements of all the aforesaid facts and matters, together with statements of all other facts and matters in connection with the granting of said franchise, as required by law, in the San Jose Mercury Herald, a newspaper of general circulation,

printed, published and circulated in San Jose in the County of Santa Clara, State of California, which publication was completed not less than twenty (20) day nor more than thirty (30) days before any further action on said franchise was taken by said Board of Supervisors; and

Whereas, thereafter, such action was taken by said Board of Supervisors, upon said application of said Coast Counties Gas & Electric Co., in accordance with the law in such case made and provided, that on the 15 day of July, 1929, after due notice given as provided by law in every particular as above set forth, said franchise was, by resolution by said Board of Supervisors, duly passed and adopted at a regular meeting of said Board of Supervisors duly held on said 15 day of July, 1929, duly struck off, sold and awarded by said Board of Supervisors to said Coast Counties Gas & Electric Co., as the firm or corporation making the highest cash bid therefor, in the manner provided by law, and at said meeting said Board of Supervisors did, by resolution, prescribe, and fix the sum of One Thousand (\$1000.00) Dollars to be the penal sum or amount of the bond required by law, to be filed for the successful bidder for said franchise; and

Whereas, said Board of Supervisors did, by the aforesaid resolution, authorize and direct the County Clerk of said County of Santa Clara, on behalf of said Board of Supervisors, to advertise and publish statements of all the aforesaid facts and matters, together with statements of all other facts and matters in connection with the granting of said franchise, as required by law, in The San Jose Mercury Herald, a newspaper of general circulation, printed, published and circulated in San Jose in the County of Santa Clara, State of California, which publication was completed not less than twenty (20) days nor more than thirty (30) days before any further action on said franchise was taken by said Board of Supervisors; and

Whereas, thereafter, such action was taken by said Board of Supervisors, upon said application of said Coast Counties Gas & Electric Co., in accordance with the law in such case made and provided, that on the 15 day of July, 1929, after due notice given as provided by law in every particular as above set forth, said franchise was, by resolution by said Board of Supervisors, duly passed and adopted at a regular meeting of said Board of Supervisors duly held on

said 15 day of July, 1929, duly struck off, sold and awarded by said Board of Supervisors to said Coast Counties Gas & Electric Co., as the highest cash bidder therefor, for the sum of One Hundred (\$100.00) Dollars in United States Gold Coin, and

Whereas, said Coast Counties Gas & Electric Co., deposited with said County Clerk of said County of Santa Clara, in the manner and in the time required by law, the full sum of its said bid, to-wit: the sum of One Hundred (\$100.00) Dollars in Gold Coin of the United States; and

Whereas, said Coast Counties Gas & Electric Co., did within five days after said franchise was so awarded to it, as aforesaid, to-wit: on the 15 day of July, 1929, file with said Board of Supervisors a bond running to said County of Santa Clara in the penal sum of One Thousand (\$1000.00) Dollars, being the amount heretofore fixed by the Board of Supervisors as the penal sum of such bond, which said bond was a good and sufficient bond and was in all respects as required by law and was thereon and heretofore and is hereby duly approved by said Board of Supervisors;

Now, Therefore The County of Santa Clara does ordain as follows:

SECTION I. Coast Counties Gas & Electric Co., its successors and assigns, are hereby granted by franchise, right, privilege and permission to lay down, construct, maintain and operate a system for the manufacture and/or distribution of gas, and all gas pipes, conduits, fixtures, appurtenances and appliances as may be convenient and proper for the manufacture and/or distribution of gas, and the maintenance and operation of such system, through, under, along and across all the roads, highways, public ways, streets, lanes and public grounds and places of the County of Santa Clara, State of California, and for all, or any other purposes for which gas can or may be used. J

SECTION 2. All gas pipes, conduits, fixtures, appurtenances and appliances, as may be convenient and proper shall be so laid and maintained as not to interfere with the usual and customary trade, traffic, and travel on the roads, highways, public ways, streets, lanes and public grounds and places in the County of Santa Clara, State of California.

SECTION 3. All gas pipes, fixtures, conduits, appurtenances and appliances, as may be convenient and proper, shall be maintained at such a

depth below the surface of the ground as not to interfere with the usual and customary trade, traffic and travel on the roads, highways, public ways, streets, lanes and public grounds and places in the County of Santa Clara, State of California.

SECTION 4. The franchise, right, privilege and permission hereby and herein granted, is not an exclusive franchise and right, and the right of said County of Santa Clara, State of California, to grant like franchise, rights, privileges and permission is hereby reserved; provided that such grants shall not interfere with the reasonable use of the franchise, right, privilege and permission hereby and herein granted.

SECTION 5. The said grantee is hereby granted the said franchise, right, privilege and permission hereinbefore designated, for the term of fifty years from and after the date of the adoption and passage of this ordinance.

SECTION 6. That the grantee herein and its successors and assigns in interest must, during the life of this franchise, pay to the County of Santa Clara, two per cent of the gross annual receipts arising from the use, operation and possession of said franchise, that is to say, Two (2) per cent of the gross annual receipts resulting from the sale of gas within the limits of the County of Santa Clara, provided, however, that no percentage shall be required to be paid for the first five years succeeding the date of this franchise, right, privilege and permission, but thereafter such percentage shall be payable annually, and in the event of said payments are not made, said franchise, right, privilege and permission shall be forfeited. At the end of the sixth year from the date of the granting of said franchise, right, privilege and permission, and at the end of each and every year thereafter, the person, firm or corporation then owning or holding said franchise, right, privilege and permission, must take and file with the Clerk of the said County of Santa Clara, a sworn statement of the gross receipts arising from the use, operation and possession of the said franchise on said roads, highways, public ways, streets, lanes and public grounds hereinbefore referred to, inside of the incorporated limits of said municipality for the year then ended and if a corporation then owns, holds or possesses said franchise, the Secretary of such corporation is hereby designated as the officer who shall make a sworn statement on behalf of such corporation.

SECTION 7. Work under said franchise, right, privilege and permission

shall be commenced within not more than four months from the granting of the franchise therefor, and if not so commenced within said time said franchise so granted shall be declared forfeited.

SECTION 8. This ordinance shall take effect and be in force thirty days from and after its passage and approval.

ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California on the 15 day of July, 1929, by the following vote.

Ayes: Supervisors *Kenney McEnnis Hubbard Hester*
Nays: Supervisors *none*
Absent: Supervisors *ayr*

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

Henry A. Pfister
Clerk.
By Eugene M. Don
deputy clerk