

ORDINANCE NO. 703

ORDINANCE GRANTING TO PACIFIC GAS AND ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO SUPERSEDE CERTAIN EXISTING FRANCHISES AND FOR THE PURPOSE OF MAINTAINING AND USING FOR TRANSMITTING, CONDUCTING AND DISTRIBUTING GAS WITHIN THE CITY OF SACRAMENTO FOR ANY AND ALL PURPOSES OTHER THAN THOSE AUTHORIZED BY SECTION 19 OF ARTICLE XI OF THE CONSTITUTION OF THE STATE OF CALIFORNIA AS SAID SECTION EXISTED PRIOR TO ITS AMENDMENT ON OCTOBER 10, 1911, ALL GAS MAINS, PIPES, CONDUITS AND CONNECTIONS THEREWITH WHICH ARE NOW OR MAY HEREAFTER BE LAWFULLY PLACED IN THE PUBLIC STREETS, WAYS AND PLACES OF SAID CITY AND ALSO OF CONSTRUCTING, MAINTAINING AND OPERATING IN SAID PUBLIC STREETS, WAYS AND PLACES SUCH ADDITIONAL MAINS, PIPES, CONDUITS AND CONNECTIONS AS SHALL BE NECESSARY OR PROPER FOR SAID PURPOSES.

WHEREAS Pacific Gas and Electric Company, a California utility corporation, has heretofore applied for a superseding franchise of the type hereinafter more particularly described and as in said application set forth; and

WHEREAS notice of the application of said Pacific Gas and Electric Company and of the time and place for hearing protests thereto as fixed by the City Council has been duly and regularly published in the official newspaper of the City of Sacramento for the time required by law; and

WHEREAS said hearing having been held and all protests and remonstrances interposed objecting to the grant of said franchise being heard and considered, and no sufficient reason appearing why the franchise requested should not be granted;

NOW, THEREFORE BE IT ENACTED by the Council of the City of Sacramento as follows:

Section 1. The City of Sacramento, a California municipal corporation, hereby grants unto Pacific Gas and Electric Company, a California corporation, its successors

and assigns, for the term of thirty-five (35) years from and after the effective date of this ordinance the franchise (a) to maintain and use for transmitting, conducting and distributing gas within said City for any and all purposes other than those authorized by Section 19 of Article XI of the constitution of the State of California as said section existed prior to its amendment on October 10, 1911, all gas mains, pipes, conduits and connections therewith which are now or may hereafter be lawfully placed in the public streets, ways and places of said city, and (b) to construct, maintain and operate in said public streets, ways and places such additional mains, pipes, conduits and connections as shall from time to time be necessary or proper for said purposes.

Section 2. The three existing franchises described in paragraph (d) of said application of Pacific Gas and Electric Company are hereby superseded and the terms of all said franchises shall terminate upon the effective date of the franchise hereby granted.

Section 3. The holder of the franchise hereby granted shall during the term hereof pay annually to the City of Sacramento two per cent. (2%) of the gross annual receipts of such holder arising from the use, operation or possession of such franchise, and in the event said payments shall not be made when due hereunder the franchise hereby granted shall be forfeited.

Section 4. All construction under this franchise shall be done subject to the general supervision and direction of the proper authorities of said city and in compliance with all valid ordinances and regulations which are now or shall hereafter be enacted and prescribed by said city under its police power.

Section 5. All public streets, ways or places disturbed or excavated by the owner of this franchise shall at its own cost and expense immediately be placed in as good order and condition as they were in before being so disturbed or excavated.

Section 6. The holder of the franchise hereby granted shall maintain its plant and fixtures installed hereunder at the highest practical standard of efficiency at all times. Any wilful failure and neglect of the holder of the franchise hereby granted after reasonable notice from the City Council to observe all such requirements including the standards of efficiency and service prescribed by the City Council shall be grounds for forfeiture of this franchise and of all rights, privileges and benefits accruing hereunder to the holder of the franchise hereby granted or at the election of said City Council for such action as may be appropriate for the enforcement thereof.

Section 7. The City of Sacramento does hereby reserve the right to purchase or to find a purchaser for the property of the owner of the franchise hereby granted used and useful in exercising the same at a price to be determined by the Railroad Commission of the State of California or its successor, or on failure or refusal of such Commission or its successor to act then by three appraisers, one appointed by the owner of the franchise hereby granted, one by the City Council, and the third by the two so appointed. The cost of such appraisal shall be borne by the city. The price of the properties shall be fixed as near as may be in accordance with the then existing rules of the Railroad Commission of the State of California or its successors; but in no event shall the value of the franchise itself be included in said price.

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Section 8. The franchise hereby granted shall
✓ not be sold, leased, assigned or otherwise alienated without the express consent of said city given by ordinance and no dealings on the part of the city with the purchaser, lessee or assignee to require the performance of any act or payment of any compensation by such purchaser, lessee, or assignee, shall be deemed to operate as such consent; provided that nothing herein shall be construed to prevent the holder of the franchise hereby granted from including same in a mortgage or deed of trust executed for the purpose of obtaining money for corporate objects.

Section 9. The franchise granted hereby is subject to all the terms and conditions of the Charter of the City of Sacramento.

✓ Section 10. The franchise granted hereby is not an exclusive one.

Section 11. The holder of the franchise hereby granted shall, during the term hereof, protect and save the said city harmless from damages to persons and property resulting from the exercise of the said franchise.

Section 12. The franchise granted hereby shall become effective upon the written acceptance of its terms and conditions by the Pacific Gas and Electric Company after the expiration of sixty (60) days after its passage unless in the interim of said sixty days a petition for referendum shall be filed as provided by provisions of the Charter of said City of Sacramento.

PASSED this 25th day of June, 1936,
effective the 24th day of August, 1936.

Ayes: Councilmen Anderson, Bidwell, Foss, Maddox,
Mering, Monk.

Noes: Councilmen Coughlin, Ferguson.

Absent: Councilmen Truesdale.

H. G. DENTON, City Clerk

By W. R. Craig
Deputy Clerk of the City of Sacramento

Arthur Ferguson
Mayor of the City of Sacramento

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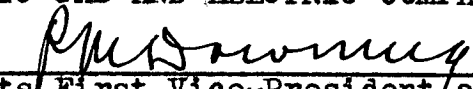
August 3, 1936.

CITY OF SACRAMENTO,
State of California,
and its Honorable
CITY COUNCIL:

The Pacific Gas and Electric Company does hereby
accept that certain superseding gas franchise granted to
it by the City of Sacramento under Ordinance No. 703
(Fourth Series) passed by the Council of the City of
Sacramento on the 25th day of June, 1936, and hereby
accepts all of the terms and conditions thereof.

PACIFIC GAS AND ELECTRIC COMPANY,

By


Its First Vice-President and
General Manager

and by


Its Secretary.


August 26, 1936.

CITY OF SACRAMENTO,
State of California,
and its Honorable
CITY COUNCIL:

The Pacific Gas and Electric Company does hereby
accept that certain superseding gas franchise granted to
it by the City of Sacramento under Ordinance No. 703
(Fourth Series) passed by the Council of the City of
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