

ORDINANCE NO. 733, FOURTH SERIES

AN ORDINANCE GRANTING TO CALIFORNIA PACKING CORPORATION, A CORPORATION, AND TO ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE AND FRANCHISE OF ERECTING, MAINTAINING AND OPERATING A CONCRETE TUNNEL THROUGH THE LEVEE ON "B" STREET BETWEEN SIXTEENTH AND EIGHTEENTH STREETS IN THE CITY OF SACRAMENTO.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. The right, franchise and privilege is hereby granted to California Packing Corporation, a corporation, of erecting, maintaining and operating a concrete tunnel through the levee on "B" Street between Sixteenth and Eighteenth Streets in the City of Sacramento.

SECTION 2. The term for which such right, privilege and franchise is granted is thirty-five (35) years from and including the effective date of this ordinance.

SECTION 3. The center line of said tunnel will be situated approximately 201 feet easterly from Sixteenth Street. The dimensions outside to outside of concrete wall shall be approximately 16 feet wide and 12 feet in width between outside walls and 12 feet high.

SECTION 4. The right, franchise and privilege granted is granted upon the following terms and conditions:

(a) The kind, nature, location and position of the structure which is to be constructed and maintained under this franchise shall be as set forth and appears on the blueprints attached to the application therefor, except as modified and changed by the order of the Reclamation Board granted on March 17 1937 upon the application of said California Packing Corporation to construct said tunnel, which said modifications shall be complied with. The installation of said tunnel shall be under the jurisdiction of the State Department of Public Works with special reference to the date upon which the levee may be opened for the installation of the tunnel and the date upon which construction shall be completed in order to provide against any danger from high water. The said California Packing Corporation shall pay all the expenses incurred by the Reclamation Board and the Department of Public Works in connection with the construction and installation of said tunnel.

(b) The grantee of this franchise shall pay or cause to be paid annually to the City of Sacramento for the use, operation and possession of this franchise, the sum of Ten Dollars (\$10.00) in lawful money of the United States of America.

(c) There is hereby reserved to the City of Sacramento the power to require changes of material, location or method of construction or bracing of said tunnel whenever in its opinion such changes may be necessary for the public safety or convenience.

(d) Construction work under this franchise shall be commenced in good faith within one (1) year from and after the effective date of this ordinance.

(e) The grantee of this franchise shall, within ten (10) days after the passage of this ordinance, file a bond running to the City, to be approved by the City Council, in the penal sum of One Thousand Dollars (\$1,000.00) conditioned that said grantee shall well and truly observe and faithfully perform each and every term and condition of this ordinance and that in the event that a breach is made in such conditions, the whole amount of the penal sum therein shall be forfeited to the City.

(f) Said tunnel to be constructed under this franchise shall be maintained at the highest practical standard of efficiency at all times, and the wilful failure and neglect of the grantee, after reasonable notice, to observe all the requirements of such, including the standards of efficiency prescribed by the City Council, shall be a ground for the forfeiture of this franchise and of all rights, privileges and benefits accruing to the grantee hereunder, or at the election of the City, for such action as may be appropriate for the enforcement thereof.

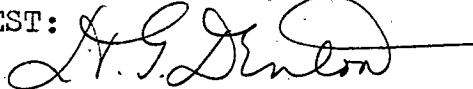
(g) There is hereby reserved to the City of Sacramento the right to purchase or to find a purchaser for, the property of the grantee hereunder used and useful in the exercising of this franchise in accordance with the provisions of Section 225 of the Charter of the City of Sacramento.

(h) The right, franchise and privilege hereby granted shall not be sold, leased, assigned, or otherwise alienated, except with the express consent of the City of Sacramento given by ordinance; provided, however, that said grantee shall be privileged to include this franchise in a mortgage or deed of trust executed for the purpose of obtaining money for its corporate objects.

SECTION 5. This ordinance shall take effect and be in force immediately after the expiration of sixty (60) days from its passage.

PASSED: MARCH 25, 1937
EFFECTIVE: MAY 24, 1937


MAYOR

ATTEST: 
CITY CLERK