

RESOLUTION No. 238

Adopted by The Sacramento City Council on date of

May 7, 1936

RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO DIRECTING THE GIVING OF NOTICE OF THE FACT THAT APPLICATION HAS BEEN MADE BY PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION, FOR THE GRANT TO IT OF A SUPERSEDING GAS FRANCHISE AS THEREIN MORE PARTICULARLY DESCRIBED AND FIXING A TIME AND PLACE FOR A PUBLIC HEARING UPON SAID APPLICATION.

WHEREAS Pacific Gas and Electric Company, a California utility corporation has filed with this City Council its application bearing date the 30th day of April, 1936, for the grant to it by said City Council of a superseding franchise as hereinafter more particularly described; and

WHEREAS, this City Council has required said Pacific Gas and Electric Company, the applicant, to deposit with the City Treasurer of said city, either in cash or by certified check payable to said city, the sum of two hundred and fifty dollars (\$250.00) as a guarantee of good faith of the applicant and as a fund out of which to pay all expenses incurred by the city connected with said application, including the cost of publication in the event that said franchise is awarded applicant or be not awarded at all; and

WHEREAS said Pacific Gas and Electric Company has made the deposit required by said City Council as hereinbefore recited;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Sacramento that Thursday, the 18th day of June, 1936, at the hour of 8 o'clock p.m., and the Council Chamber of said City Council in the City Hall, in the said City of Sacramento, be, and they are hereby fixed as the time and place for a public hearing of said application; that the applicant shall, within ten (10) days after the passage of the ordinance granting the same, file a bond running to the city, to be approved by the City

Council, in the penal sum of One thousand dollars (\$1000.00) conditioned as set forth in the notice hereinafter ordered to be published; and that the City Clerk of said city be, and he is hereby directed to publish for ten (10) successive days (Sundays and legal holidays excepted) a notice in the official organ of said city in the words and figures following, to-wit:

"NOTICE OF APPLICATION FOR
SUPERSEDING GAS FRANCHISE.

NOTICE IS HEREBY GIVEN by the City Council of the City of Sacramento that Pacific Gas and Electric Company, a California utility corporation, has made application to said City Council for the grant to it by said City Council of a superseding gas franchise for the term of thirty-five (35) years as more fully described in the following form of ordinance, to-wit:

'ORDINANCE NO. _____

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 PURPOSE.

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.

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 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 _____ day of _____, 1936,
effective the _____ day of _____, 1936.

Ayes: Councilmen _____

Noes: Councilmen _____

Absent: Councilmen _____

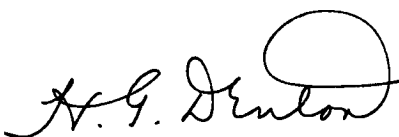
Mayor of the City of Sacramento

ATTEST:

Clerk of the City of Sacramento;

NOTICE IS HEREBY FURTHER GIVEN that the date of said application is the 30th day of April, 1936; that Thursday, the 18th day of April, 1936, at the hour of 8:15 o'clock P.m.,

and the Council Chamber of said City Council in the City Hall, in said City of Sacramento, have been fixed by said City Council as the time and place for a public hearing upon said application; that upon the franchise being awarded, all deposits by the applicant shall be retained until the approval and filing of the bond hereinafter provided for, whereupon the remainder of the deposit, after the payment therefrom of the expenses incurred by the city in connection with the advertising and awarding of such franchise, shall be returned; that at the time hereinabove appointed the City Council will proceed to hear and consider such application and all remonstrances and protests, if any, against the granting of such franchise; that if in the judgment of the City Council no sufficient reason appears why the franchise requested should not be granted, it will, within sixty (60) days after said hearing, grant to the applicant a franchise in conformity with the terms of the application, and upon the terms and conditions of Article XXII of the Charter of the City of Sacramento applicable thereto, or the Council may deny the franchise; that said franchise, if granted, shall be granted by an ordinance to be adopted by the City Council as specified and set forth in said Article XXII of said Charter; that the applicant shall, within ten (10) days after the passage of the ordinance granting the same, file a bond running to the City of Sacramento, to be approved by the City Council, in the penal sum of One thousand dollars (\$1000.00) conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise and that in the event that a breach is made in such conditions of the franchise the whole amount of the penal sum therein named shall be forfeited to the city; and that in case such bond shall not be filed the grant of such franchise shall be set aside and any money deposited in connection with the awarding of such franchise shall be forfeited.



CITY CLERK

MAYOR