ORDINANCE NO. 64.

An ordinance granting a franchise to lay and maintain an Electric railway track, with appurtenances, upon certain Highways in Solano County, to J.W. Hartzell, his associates, successors and assigns.

The Board of Supervisors of the County of Solano, do ordain as follows:-

1. The right, privilege and franchise is hereby granted to J.W. Hartzell and his associates, successors and assigns, to build and operate an electric railway, and to erect poles and to stretch wires and other appliances thereon, for the purpose of conducting and transmitting to operate their road along the following route; Beginning at a point on the East boundary of the Town of Fairfield at the intersection of said boundary with County Road No. 68; thence following said road through the village of Benicia to the center of Section 5, T.4n. R.4E.W.D.M.; thence following road No. 71 to the South East Corner of Section 1, in said Township; thence 3 miles on Roads 333, 332, and 96; thence South 1 1/2 miles on roads 96 and 71, thence 1/2 mile on road 71; thence South 1/2 mile on Road 414; thence East about 1 mile on Road No. 211; thence to the Northwesterly prolongation of Road 71 from Rio Vista; thence South-Easterly on same and on Road 71 to the Town of Rio Vista.

Beginning at the intersection of Roads 37 and 76 at the North East Corner of land of James McGary South of Cordelia; thence following said road and changes in same to Road No. 74; thence following Road No. 74, to the City of Benicia.

Section 2. The said railroad tracts shall be single or double and shall be laid down and consist of the most approved pattern for electric roads, and be laid down in a good substantial manner.

Section 3. That said railroad tracts shall be laid in such places and position on said roads as shall be designated by Supervisors of the District to and in which said tracts are laid; and said railroad tracks and roadbed shall be made, established and laid in such a manner as not to interfere with or obstruct the freedom and convenience of travel and the use of such roads in a in and through which said railroad may be constructed; and where it may become necessary to displace the usually travelled roadbed, that said J.W. Hartzell, his associates successors and assigns shall replace said roadbed to its former condition or failing so to do for a reasonable time that they shall bear all expenses necessarily incurred in reestablishing said roadbed to the same condition of usefulness in which it was at the time of such displacement; and such replacement may be made upon the failure of J.W. Hartzell and his successors, associates and assigns by the said County of Solano, at the
expense of said J. W. Hartzell, his associates, successors and assigns, the cost of same to be fixed by the County Surveyor of Solano County.

Section 4. The cars run on said railroad shall be of the most improved construction for comfort, convenience and safety of passengers, and to be provided with the most approved of breaks to stop the same when required, and fenders.

Section 5. The tracts must not be more than five feet wide between the rails, and must have a space between them sufficient to allow the cars to pass each other freely.

Section 6. Said J. W. Hartzell, his associates, successors and assigns, must macadamize in a good and substantial manner, between the rails of said track and two feet on each side thereof and keep the same constantly in repair, flush with the rails, and with good crossings, provided however, that when any part of said road or street are now, or may be hereafter paved with bitumen asphaltum, or any pavement other than macadam, said J.W. Hartzell, has associates successors and assigns, must pave between the tracts and two feet on each side thereof with such material as is used on such road or street and keep the same constantly in repair, flush with the rails and with good crossings.

Section 7. Said poles shall be of uniform shape and size and of the best quality used for such purposes, and shall be set in a safe and substantial manner, and to the satisfaction of the supervisor of the district in which said pole or poles are erected, and shall be sufficiently removed from the main road so as not to interfere with the travel thereon, The wires shall be strung on said poles in a manner to prevent their coming to the ground. If it shall be necessary to cross any of said roads or streets at any place or places with said wires, the same shall be securely fastened to substantial poles of sufficient height to carry said wires across said road, street or alley at a height of 30 feet.

Section 8. This franchise shall continue for a term of Fifty Years from the date of the passage of this order.

Section 9. The right and privilege hereby granted shall not be exclusive and this Board reserves the right herein for said Solano County to grant like privileges to other parties making proper application therefor, provided however, that such other grants and privileges shall not interfere with the reasonable use of the rights and privileges herein granted.

Section 10. The grantee of this franchise herein set forth is hereby required to file with the Clerk of said Board of Supervisors of Solano County within Twenty days after the granting of this franchise to him, their acceptance in writing of the provisions of the same.

Section 11. Work shall be commenced by the grantee under this franchise within
one year from the date of the grant and be completed within two years.

Section 12. This ordinance and franchise is passed and granted to J.W. Hartzell, his associates, successors and assigns pursuant to a notice duly published by the Board of Supervisors inviting sealed proposals for the same, the said J.W. Hartzell being the highest bidder, and the bid is hereby accepted and approved. The said J.W. Hartzell, as one of the conditions of the granting of this franchise shall pay to the said County of Solano the amount of their bid.

Section 13. It is further ordained that in the event of the failure of said grantee of this franchise, the said franchise and all rights and privileges thereunder may be declared forfeited by ordinance of the County of Solano.

Section 14. This ordinance shall take effect from and after its passage. Adopted the 14th. day of November, 1904, by the following vote.

Ayes Chadbourne, Fleming, Payne, and Sullivan.

Noes, None. Absent, Bergwall.

Approved. [Signature]

Chairman.

Attest

[Signature] Clerk of said Board.