ORDINANCE NO. 79.

AN ORDINANCE GRANTING TO GREAT WESTERN POWER COMPANY, A CORPORATION ORGANIZED and existing under and by virtue of the laws of the State of California, its successors and assigns, the franchise, right, privilege and permission to erect, construct, maintain and operate, over, along, across and upon the roads, highways, public ways, streets and lanes, of and in the County of Solano, State of California, towers, piers, poles, masts, and other superstructures, and upon and from the same to suspend, affix and hang wires, cables and other appliances for transmitting and conducting electricity, and to lay, maintain and operate, or to lay, maintain and operate, wires, cables and other appliances in conduits, and such other modes as may be convenient and proper, through, over, under and along the said roads, highways, public ways, streets and lanes of and in said County of Solano, for conducting and transmitting electricity for furnishing light, heat and power, or any thereof, and for all, or any, other purposes for which electricity can or may be used, for a period of fifty years from the date of this grant.

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

That Whereas, on the 15th day of April, 1912, Great Western Power Company, a corporation organized and existing under and by virtue of the laws of the State of California, filed with the Board of Supervisors of the County of Solano, State of California, an application in writing for the franchise, hereinafter set forth; and

Whereas, said Board of Supervisors did, by resolution duly passed by said Board of Supervisors held on the 15th day of April, A.D. 1912, 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 Solano, up to the hour of ten o'clock A.M. on Monday, the 3rd day of June, 1912, 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, prescribe and fix the sum of one thousand dollars to be the penal sum or amount of the bond required by law, to be filed by 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 Solano, on behalf of said Board of Supervisors, to advertise and publish statements of all of 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 Vallejo Evening Chronicle, a newspaper of general circulation, printed, published and circulated in the County of Solano, State of California, for the time and in the manner provided by law, which said 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 Great Western Power Company in accordance with the law in such case made and provided, that on the 3rd day of June, 1912, after due notice as provided by law in every particular as above set forth, said franchise was, by resolution of said Board of Supervisors duly passed and adopted at a regular meeting of said Board of Supervisors duly held on said 3rd day of June, 1912, duly struck off, sold and awarded by said Board of Supervisors to said Great Western Power Company, as the highest cash bidder therefor, for the sum of one hundred and ninety dollars ($190.00) in United States Gold Coin; and

WHEREAS, said Great Western Power Company deposited with said County Clerk of said County of Solano, in the manner and in the time required by law, the full sum of its said bid, to wit, said sum of one hundred and ninety dollars ($190.00) in Gold Coin of the United States; and

WHEREAS, said Great Western Power Company did within five days
after said franchise was so awarded to it, as aforesaid, to-wit, on the 3rd day of June, 1912, file with said Board of Supervisors a bond running to said County of Solano, in the penal sum of one thousand dollars ($1,000), being the amount heretofore fixed by said 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 Board of Supervisors of the County of Solano do ordain as follows:

Section 1. Great Western Power Company, a corporation organized and existing under and by virtue of the laws of the State of California, its successors and assigns, are hereby granted the franchise, right, privilege and permission to erect, construct, maintain and operate, over, along, across and upon the roads, highways, public-ways, streets and lanes of and in the County of Solano, State of California, towers, piers, masts, poles and other superstructures, and upon and from the same to suspend, affix and hang wires, cables and other appliances for the transmitting and conducting of electricity, and to lay, maintain and operate, or to lay, maintain and operate, wires, cables and other appliances, in conduits and such other modes as may be convenient and proper, through, over, along and under the said roads, highways, public-ways, streets and lanes, for conducting electricity for furnishing light, heat and power, and for all or any other purposes for which electricity can or may be used. All towers, masts, piers, poles and other superstructures shall be no erected, constructed, and maintained, as not to, in any way whatsoever, interfere with the usual and customary trade, traffic and travel on said roads, highways, public-ways, streets and lanes. No towers, piers, masts, poles or other superstructures shall, except by special permission of said Board of Supervisors first obtained, be placed on any public highway hereunder which shall have a diameter at the base exceeding three feet, or stand out from the road or fence line more than three (3) feet.

Section 2. The Board of Supervisors hereby reserves the right, at any time to designate any highway, or highways in said County of Solano, and to prescribe that no towers, poles, masts, piers or wires, or other superstructures shall be erected or placed by any person or corporation upon or over such highway or highways.

Section 3. All wires, cables and other conductors of electric current suspended upon or from said towers, piers, poles, masts, or other superstructures shall be placed and maintained at such a height above or below the surface of the ground as not to endanger or interfere with customary and usual trade, traffic and travel on any of said roads, highways, public-ways, streets and lanes; said wires, cables and other conductors of electric current to be placed and maintained, however, not less than twenty-five (25) feet above the surface of the ground, except where the same cross said roads, in which cases the same shall be placed and maintained not less than thirty (30) feet above the surface of the ground.

Section 4. Said grantee and its successors and assigns shall at all times keep and maintain such towers, piers, poles and other superstructures and all wires, cables and other conductors of electric current erected, operated and maintained by it in good order and condition so that the same shall not menace or endanger the lives or property of persons passing along and over said roads, highways, public-ways, streets and lanes.

Section 5. The franchise, right, privilege and permission hereby and herein granted, is not an exclusive franchise and right, and the right of said County of Solano to grant like franchises, 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. This grant shall not interfere with existing lines of any other public utility, on said roads under any right heretofore lawfully granted.

Section 6. The said grantee is hereby granted the said franchise, right, privilege and permission herebybefore designated, for the term of fifty years from and after the date of the adoption and passage of this ordinance.

Section 7. The grantee herein and its assigns must, during the life of this franchise, right, privilege and permission pay to the County of Solano two (2) per cent of the gross annual receipts arising from the use, operation and possession of said franchise, right, privilege and permission, that is to say: Two (2) per cent of the gross annual receipts resulting from the sale of electric energy delivered hereunder by the grantee hereof, its successors or assigns; provided, however, that no percentage shall be required to be paid for the first five (5) years succeeding the date of this franchise, right, privilege, and permission, but, thereafter, such percentage shall be payable annually, and in the e-
vent said payment is not made, said franchise, right, privilege and permission shall be forfeited.

Section 8. Work under this franchise, right, privilege and permission shall commence in good faith within not more than four months from the granting of the same, and if not commenced within said time, this franchise shall be declared forfeited, and said work shall be completed within not more than three years thereafter, and if not so completed within said time, said franchise, right, privilege and permission so granted shall be declared forfeited.

Section 9. In case the course of any of said County roads shall hereafter be altered by said County of Solano, the grantee of this franchise, its successors and assigns, shall correspondingly alter the course of its poles lines on such road at the points where the course of such road or roads is altered.

Section 10. This ordinance shall take effect and be in force and after thirty (30) days after its passage and approval.

Introduced this 3rd day of June 1912 by Supervisor Godfrey.

Passed and adopted this 3rd day of June 1912, By the following called vote; Ayes, Supervisors, Glendon, Godfrey, Hoyt, Fleming and Widenmann. Noes; None. Absent; None.

Chairman of said Board of Supervisors.

Clerk of said Board of Supervisors.