Ordinance No. 119.

Ordinance Granting to California and Hawaiian Sugar Refining Corporation and Assigns, the right, privilege, and franchise of erecting, constructing and maintaining a steel pipe line along, across, and under certain portions of the Public Highways, Streets and Roads of the County of Solano, and of using such steel pipe line for the purpose of Transporting and Conveying Fresh Water and all Lawful Purposes.

The Board of Supervisors of the County of Solano do Ordain as follows:

Section 1 - The right, privilege and franchise of erecting, constructing and maintaining a steel pipe line having a diameter of not to exceed twenty-four (24) inches along and under the northerly side of that certain public highway, street or road of said County of Solano, State of California, known and designated as "County Road Number 619", from the point where the said County Road intersects the easterly boundary line of the City of Vallejo, to the point where the same intersects the lands of the American Toll Bridge Company, a distance of twenty-seven Hundred and twenty-five (2,725) feet, more or less; also across and under those certain public highways, streets or roads in said County, known and designated as "County Road number 55", "County Road Number 224", and County Road No. 140", respectively, along any line within the respective locations where the said county roads are within the boundaries of the lands owned by the Southern Pacific Company, and of using such steel pipe line for the purposes of transporting and conveying fresh water and all lawful purposes, are hereby granted by said County of Solano, for the term of fifty (50) years, from and after the time when this Ordinance shall take effect to California and Hawaiian Sugar Refining Corporation and assigns.

Section 2 - The pipe line which shall be constructed and used under and pursuant to the provisions of this ordinance and in the exercise of the right, privilege and franchise herein granted shall be placed so that the center line thereof shall not be less than seven (7) feet north of the northerly edge of the present asphaltic pavement, and so that the top of said pipe line shall be not less than three (3) feet below the surface of said pavement; and wherever said pipe line runs along and under a drainage ditch on said County Road Number 619, and there is a bank running parallel to said ditch on the northerly side thereof so that water is or may be confined in said ditch, the top of the excavation made for said pipe line shall be filled with crushed rock to a depth of not less than one (1) foot; and in all other respects the said pipe line shall be erected and
and constructed in a good and workmanlike manner under the direction and subject to the approval of the Road Commissioner of the District in which such highways, streets and roads are, and of the County Surveyor, and shall be maintained in compliance with all valid laws, ordinances, and regulations from time to time in force.

Section 3—The owner for the time being of the said right, privilege and franchise shall, immediately upon erecting, constructing, replacing or repairing the said pipe line, or any part thereof, at its own cost and expense, place said highways, streets and roads or so much thereof as may have damaged thereby, in as good order and condition as that in which they were before being disturbed or excavated for the purpose of erecting, constructing, replacing or repairing said pipe line or any part thereof, and the said owner shall maintain the roadway and ditch surface against any settling or washing out which might occur as a result of the disturbance of the existing solid ground.

Section 4—The owner for the time being of said right, privilege and franchise shall have the right to maintain, repair and replace any or all of such pipe lines from time to time as may be necessary and proper.

Section 5—The owner for the time being of the said right, privilege and franchise shall be responsible for all loss or damage to persons or property as the result of his or its negligence in erecting, constructing or maintaining the said pipe line.

Section 6—The grantee of the aforesaid right, privilege and franchise, its successors and assigns, shall during the term for which the same is granted, pay to the said County of Solano, (2) percent of its or their gross annual receipts arising from the use, operation or possession thereof: provided, however, that no percentage shall be paid for the first five (5) years succeeding the date of the grant of said right, privilege and franchise, but thereafter such percentage shall be payable annually, and if such payment shall not be made, such right, privilege and franchise shall be forfeited: and provided, further that if this franchise be a renewal of a right already in existence, the payment of said percentage of gross receipts shall begin at once.
Section 7- The said right, privilege and franchise are granted under and pursuant to the provisions of the laws of the State of California, which relate to the granting of rights, privileges and franchises by counties.

Section 8- This Ordinance shall, except as hereinafter otherwise provided, take effect and be in force upon the expiration of thirty (30) days after its passage, and shall, before the expiration of fifteen (15) days after the passage thereof, be published for one (1) week in the Times Herald, a newspaper published in said County of Solano: and if, during said thirty (30) days, a petition signed by qualified electors of said County equal to ten (10) per cent of the entire vote cast therein for candidates for governor of the State at the last preceding general election at which a governor was voted for, protesting against the passage of this ordinance, be presented to said Board, the same shall thereupon be suspended from going into operation, and it shall be the duty of said Board to reconsider this ordinance. If said Board shall thereupon not entirely repeal said ordinance, it shall submit the same to a vote of the electors either at a general election or a special election to be called for the purpose, and this ordinance shall not go into effect or become operative, unless a majority of the voters voting upon the same shall vote in favor thereof.

Passed this 5th day of April, 1929 by the following vote: Ayes-Supervisors Birchmore, Danielson, Christensen, Sheveland and Schmeiser.
Noes- None. Absent- None.

C. E. Schmeiser,
Chairman of the Board of Supervisors
of the County of Solano,

Attest:

G. G. Halliday,
County Clerk of the County of Solano.