ORDINANCE NO. 180

ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SOLANO, STATE OF CALIFORNIA, GRANTING TO TRACY DRILLING COMPANY, A CORPORATION, ITS SUCCESSORS OR ASSIGNS THE RIGHT, PRIVILEGE AND FRANCHISE TO LAY AND CONSTRUCT AND TO THEREAFTER OPERATE, MAINTAIN AND REPAIR AND/OR REPLACE A SYSTEM OF CONDUITS AND PIPELINES, TOGETHER WITH SUCH FIXTURES OR APPURTENANCES AS THE GRANTEE, ITS SUCCESSORS OR ASSIGNS MAY DEEM NECESSARY OR CONVENIENT IN CONNECTION THEREWITH, IN, UNDER, ALONG OR ACROSS SO MANY OR IN SUCH PARTS OF THE PUBLIC HIGHWAYS, STREETS, ROADS AND PLACES IN THE COUNTY OF SOLANO, STATE OF CALIFORNIA AS THE GRANTEE OF SAID RIGHT, PRIVILEGE AND FRANCHISE MAY FROM TIME TO TIME ELECT TO USE FOR THE PURPOSE OF TRANSMITTING AND/OR DISTRIBUTING AND/OR SUPPLYING GAS TO THE PUBLIC, FOR LIGHT, HEAT, FUEL, POWER OR ANY OTHER LAWFUL PURPOSES FOR THE TERM OF FIFTY (50) YEARS.

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

Section 1. The right, privilege and franchise to lay and construct and to thereaft er operate, maintain, repair and/or replace a system of conduits and pipelines, together with such fixtures or appurtenances as the grantee, its successors or assigns, may deem necessary or convenient in connection therewith, in, under, along or across, in so many or in such parts of the public highways, streets, roads and places of said County of Solano, as the grantee of said right, privilege and franchise may from time to time elect to use for the purpose of transmitting and/or distributing and/or supplying gas to the public, industries, municipalities and inhabitants within said County of Solano, for light, heat, fuel, power and any other lawful purposes for the term of fifty (50) years, from and after the effective date of said ordinance, are hereby granted to the Tracy Drilling Company, a corporation, its successors or assigns.

Section 2. All gas pipes, mains and other conduits which shall be laid 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 of iron or steel, or a suitable material, and shall be of such dimensions as the owner for the time being, of said right, privilege and franchise, shall determine. All such gas pipes, mains and conduits, shall be laid in a good workmanlike manner at least 18 inches below the surface of said public highways, streets, roads, or places, under the direction of the County Engineer of the County of Solano or other officer having charge thereof.

Section 3. The grantee herein and its successors or assigns further agree that should it become necessary at any time for said County of Solano to change the grade of said streets, highways and/or places, the grantee shall, at its sole expense and cost, change its conduits and pipelines to conform to the grades established by said County of Solano, and said streets, highways and/or places.

Section 4. The right, privilege and franchise hereby granted is not exclusive and the right of said County to grant like rights, privileges and franchises to others is hereby reserved, provided that such grants shall not interfere with the reasonable use of the rights granted herein.
Section 5. The grantee herein and his assigns must, during the life of said franchise, pay to the County of Solano, two per cent (2%) of the gross annual receipts arising from its use, operation or possession. No percentage shall be paid for the first five years, succeeding the date of the franchise, but thereafter such percentage shall be paid annually; and in the event said payment is not made, said franchise shall be forfeited.

Section 6. Work under said right, privilege and franchise shall be commenced within not more than four months from the granting hereof and if not so commenced shall be declared forfeited. Said work shall be completed within a reasonable time; the grantee must save and keep harmless the County of Solano from damages due to construction and maintenance of said conduits, pipelines, fixtures and appurtenances.

Section 7. The grantee herein agrees that for the time being of said right, privilege and franchise, shall immediately upon laying and/or constructing and/or replacing and/or repairing the said system of conduits or pipelines or any part thereof, at its own cost and expense, place said highways, streets, roads and places or so much thereof as may have been damaged thereby in such good order and condition as that in which they were before being disturbed or excavated for the purpose of laying and/or constructing and/or replacing and/or repairing said system of conduits or pipelines, or any part thereof.

Section 8. The said rights, privileges and franchises 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 9. This ordinance shall take effect and be in full force thirty (30) days, of, from and after its passage and approval and shall be published with the names of the members of said Board of Supervisors voting for and against the same, in the Vallejo Morning Times-Herald, a newspaper of general circulation, printed and published in said County of Solano, in the City of Vallejo, in the manner, for the time and in the form as is required by law.

Passed this 3rd day of January, 1939.

Ayes: Supervisors Brown, Danielson, Foley, Schmeiser, and Demmon.

Nays: None

Absent: None

G. G. Halliday
Clerk of the Board of Supervisors of the County of Solano, State of California

[Signature]

Chairman of the Board of Supervisors of the County of Solano, State of California