ORDINANCE NO. 345
ORDINANCE GRANTING TO PACIFIC GAS AND ELECTRIC COMPANY, ITS SUCCESSIONS AND ASSIGNS, THE RIGHT, PRIVILEGE AND FRANCHISE OF LAYING, CONSTRUCTING AND MAINTAINING GAS PIPES, mainS AND APPURTECHANCES, IF SO MANY AND IN SUCH PARTS OF THE PUBLIC HIGHWAYS, STREETS, ROADS AND PLACES OF THE COUNTY OF SOLANO, STATE OF CALIFORNIA, AS THE COUNTIES OF SAID COUNTY, PETULICLUE AND FRANCHISE MAY FROM TIME TO TIME ELECT TO USE FOR THE AFORESAID PURPOSES, AND OF USING SUCH GAS PIPES, MAINS AND APPURTEENACIOHS FOR CONVEYING, DISTRIBUTING AND SUPPLYING GAS TO THE PUBLIC FOR ANY AND ALL PURPOSES.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SOLANO DO ORDAIN AS FOLLOWS:

Section 1. The right, privilege and franchise (a) of laying, constructing and maintaining gas pipes, mains and appurtenances in so many and in such parts of the public highways, streets, roads and places of said County of Solano, including state highways now or hereafter established in said county, as the grantee of said right, privilege and franchise may from time to time elect to use for the following purposes, and (b) of using such gas pipes, mains and appurtenances for conveying, distributing and supplying gas to the public for any and all purposes, are hereby granted by said County of Solano to Pacific Gas and Electric Company, its successors and assigns.

Section 2. The term of said franchise shall commence with the effective date hereof, and continue and remain in full force and effect until such time as the grantee hereof, its successors or assigns, shall surrender or abandon same or said franchise shall be forfeited for noncompliance by the possessor thereof with its terms, or the State of California, said county or other public corporation thereto duly authorized, shall purchase by voluntary agreement or shall condemn and take under the power of eminent domain in accordance with then existing law all property actually used and useful in the exercise of said franchise situated within the unincorporated area of said county. Said franchise shall never be considered or taken into account, in fixing the value of said property, in excess of the actual costs to the grantee hereof in procuring the same.

Section 3. All gas pipes, mains and appurtenances which shall be laid and used under and pursuant to the provisions of this ordinance and in the exercise of said franchise shall be laid, constructed and maintained in a good and workmanlike manner under the direction of the County Road Commissioner and shall be maintained in compliance with all valid laws and ordinances from time to time in force.

Section 4. The owner for the time being of said franchise shall, immediately upon laying, constructing, replacing or repairing the said gas pipes, mains and appurtenances, or any part thereof, at its own cost and expense place said highways, streets and roads, or so much thereof as may have been damaged thereby, in as good order and condition as that in which they were before being disturbed or excavated for the purpose of laying, constructing, replacing, or repairing said gas pipes, mains and appurtenances, or any part thereof.

Section 5. (a) The County, when acting in a governmental capacity, may improve any highway or portion thereof, in which franchise properties have theretofore been constructed or installed, and may construct, install, repair and maintain in any such highway, and may remove from any such highway, any construction to improve such highway or portion thereof.

(b) If notice in writing is given to the grantee within the greatest ten days in advance of the fact that work is to be done pursuant to any right reserved in subdivision (a) of this section, specifying the general nature of the work and the area in which the same is to be performed, then the grantee shall do all things made necessary for the performance of such work in order to protect its franchise property during the progress of such work, and if ordered by the Board of Supervisors, in the exercise of its police powers, the grantee shall relocate its franchise property within the highway to such extent and in such manner as shall be necessary to permit the performance of such work in an economical manner, and in accordance with the generally recognized engineering and construction methods, and to permit the maintenance, operation and use of such public improvement or of the highway as so improved. All of such things to be done and work to be performed by the grantee shall be at the sole cost and expense of the grantee, provided, however, that the foregoing provision shall apply only to, and remain in force and effect only so long as the public highways of the county, in which said franchise properties shall have been constructed or installed, shall remain county roads, and said provisions shall cease to apply to any such public roads when they shall cease to be county roads,
and shall at no time apply to any public road in the county now or hereafter established as a state freeway, nor shall they constitute obligations in respect to state freeways within the purview of Section 703 of the Streets and Highways Code of the State of California.

(c) No provision of this franchise shall be so construed as to impose upon the county any duty or obligation to construct, repair or maintain any highway, including those areas in which grantee's franchise property is located, in any particular manner or to any particular standard.

Section 6. The owner for the time being of said franchise shall have the right to maintain, repair and replace any or all of such gas pipes, mains and appurtenances from time to time as may be necessary and proper.

Section 7. The grantee of said franchise, its successors and assigns, shall, during the term for which the same is granted, pay to said County two per cent (2%) of its or their gross annual receipts arising from the use, operation or possession thereof; provided, however that no percentage shall be paid for their first five (5) years succeeding the date of the grant of said 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; provided, however, that if said franchise be a renewal of a right already in existence the payment of said percentage of gross receipts shall begin at once.

Section 8. 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 9. This ordinance shall take effect and be in force upon the expiration of thirty (30) days after its passage, unless suspended from going into operation by a referendum petition filed as provided by law, and shall, before the expiration of fifteen (15) days after the passage thereof, be published, with the names of the members of said Board of Supervisors voting for and against the same, for one (1) week in the Solano County Courier, a newspaper published in said County of Solano.

PASSED this 3rd day of December, 1951, by the following vote:

AYES: Supervisors Bell, Church, Goheen, Morrison and Mowers.

NOES: Supervisors None.

ABSENT: Supervisors None.

D. A. NOYES
Chairman of the Board of Supervisors
of the County of Solano

ATTEST: Lewis Morrill (Seal)
County Clerk of the County of Solano