

FRANCHISES

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B L A N K

Chapter 1000

PACIFIC GAS AND ELECTRIC COMPANY

1000-010

The right, privilege and franchise of laying, maintaining and using, for the purpose of conveying, distributing and supplying gas to the public and particularly to the inhabitants of said County of Sutter for light, heat, power and all lawful purposes, gas pipes, mains and conduits in so many and in such parts of the public highways, streets and alleys in said County of Sutter as the grantee may elect to use for the purpose aforesaid, and adjacent to or in the vicinity of the City of Yuba City, State of California, are hereby granted by the County of Sutter for the term of fifty (50) years from and after the time when this ordinance shall take effect to Pacific Gas and Electric Company, a California corporation, its successors and assigns.

(Ord. 71, Sec. 1; June 4, 1923)

1000-020

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 other 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 and workmanlike manner and at least eighteen (18) inches below the surface of the said highways, streets and alleys, under the direction of the Road Commissioner of the District in which such highways, streets and alleys are.

(Ord. 71, Sec. 2; June 4, 1923)

1000-030

The owner for the time being of the said right, privilege and franchise shall, immediately upon laying, replacing or repairing the said gas pipes, mains and other conduits, or any part thereof, at its own cost and expense, place said highways, streets and alleys 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, replacing or repairing said pipes and other conduits.

(Ord. 71, Sec. 3; June 4, 1923)

1000-040

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 gas pipes, mains and other conduits from time to time as may be necessary and proper. (Ord. 71, Sec. 4; June 4, 1923)

1000-050

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 Sutter two (2) per cent of its or their gross annual receipts arising from the use, operation or possession thereof, which gross receipts shall be deemed to be all sums received by said grantee, its successors and assigns, from the sales of gas sold and delivered by means of the gas pipes, mains and conduits laid hereunder in said County of Sutter outside of municipalities; 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.

(Ord. 71, Sec. 5; June 4, 1923)

1000-060

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. (Ord. 71, Sec. 6; June 4, 1923)

Chapter 1010

SOUTHERN PACIFIC COMPANY

1010-010

The County of Sutter, State of California, through and by the Board of Supervisors of the said County of Sutter, hereby grants to Southern Pacific Company, a railroad corporation, duly organized and existing under and by virtue of the laws of the State of Kentucky, and conducting and carrying on an interstate railroad business, in various states in the United States, including the State of California, and in the County of Sutter in said State of California, and to its successors and assigns, for the term and period of fifty (50) years from and after the 20th day of August, 1925, but subject to all of the terms and conditions hereinafter made and expressed, the franchise, right, privilege and permission to construct, lay down, maintain and operate for itself, its successors in interest and assigns, a standard gauge railroad of one or more tracks for the transportation of freight and passengers for hire together with the right, privilege, and permission to pass with and operate locomotives propelled by steam, electricity or other lawful motive power and to run cars thereon and thereover, together with all the necessary mechanical appliances, turnouts, switches and wyes, side tracks, spur tracks and equipments for the same, over, along, upon and across certain roads and highways in the County of Sutter, State of California; and surveyed centerline of said standard gauge railroad, where it crosses said certain roads and highways, is particularly described as follows, to wit:

1. Commencing at a point on the South boundary line of the County Road running East and West through the Northwest quarter of Sec. 32, T. 14 N., R. 2 E, M.D.M., and parallel to the South Levee of the Tisdale By-Pass; thence in a general Northerly direction, on a 3° curve to the right and crossing the center line of said road at Engineer's Station 1927 plus 20.0 to a point on the North boundary line of said Road.

2. Commencing at a point on the South boundary line of the County Road, running East and West parallel to the North Levee of the Tisdale By-Pass; thence N. 0° 13' W. crossing the center line of said Road at Engineer's Station "L" 1940 plus 95.0 to a point on the North boundary line of said Road.

3. Commencing at a point on the South boundary line of Lots 283, 284, and 285 of Reclamation District No. 1660; thence in a general Northwesterly direction, on a 10° curve to the left crossing the center line of said Road, at Engineer's Station "L" 1967 plus 56.6 to a point on the North boundary line of said road.

4. Commencing at a point on the South boundary line of the County road running East and West along the North line of Lot 267 of Reclamation District No. 1660; thence No. $34^{\circ} 35'$ W. crossing the center line of said County Road at Engineer Station "L" 1988 plus 76.0 to a point on the North boundary line of said Road.

5. Commencing at a point on the South boundary line of the County Road running East and West parallel to the North line of Lot 215 of Reclamation District No. 1660; thence N. $1^{\circ} 31'$ W. crossing the center line of said County Road at Engineer's Station "L" 2060 plus 25.0 to a point on the North boundary line of said Road.

6. Commencing at a point on the South boundary line of the County Road running East and West parallel to the North line of Lot 193 of Reclamation District No. 1660; thence N. $0^{\circ} 17'$ W. crossing the center line of said County Road at Engineer's Station "L" 2094 plus 30.0 to a point on the North boundary line of said Road.

7. Commencing at a point on the South line of the County Road running East and West parallel to the North line of Lots 170 and 171 of Reclamation District No. 1660; thence N. $0^{\circ} 17'$ W. crossing the center line of said County Road at Engineer's Station "L" 2114 plus 00 to a point on the North boundary line of said road.

8. Commencing at a point on the South line of the County Road running East and West parallel to the North line of Lot 147 of Reclamation District No. 1660; thence N. $0^{\circ} 17'$ W. crossing the center line of said County Road at Engineer's Station "L" 2140 plus 60.0 to a point on the North boundary line of said road.

9. Commencing at a point on the South boundary line of the County Road running East and West parallel to the North line of Lot 123 of Reclamation District No. 1660; thence N. $0^{\circ} 17'$ W. crossing the center line of said County Road at Engineer's Station "L" 2167 plus 20 to a point on the North boundary line of said Road.

10. Commencing at a point on the South boundary line of the County Road running East and West parallel to the North line of Lot 100 of Reclamation District No. 1660; thence N. $0^{\circ} 17'$ W. crossing the center line of said County Road at Engineer's Station "L" 2187 plus 30 to a point on the North boundary line of said Road.

(Ord. 73, Sec. 1; July 20, 1925)

1010-020

Said Southern Pacific Company, its successors in interest and assigns, shall, at its own expense, pave or repave, macadamize, or re-macadamize, grade or regrade, the said roads and highway occupied by its track or tracks between the rails thereof, and between the tracks where two tracks are laid, and for two feet on the outer side of each of both of said tracks, with the same material as may be used for such purposes by the County of Sutter, whenever said County of Sutter shall have done any of the aforesaid, and under the same supervision and specifications and in the same manner as upon the roads and highways on which the said tracks are laid, and shall keep the same constantly in repair and with good crossings. (Ord. 73, Sec. 2; July 20, 1925)

1010-030

Said Grantee, its successors and assigns, shall construct necessary flumes and culverts, for the free passage of surface water under the track or tracks of said railroad, where requested, and all such culverts and flumes shall be constructed in accordance with the plans required by the County surveyor of said County of Sutter. (Ord. 73, Sec. 3; July 20, 1925)

1010-040

All privileges, permissions and rights required by said Grantee, its successors and assigns, for the construction and maintenance of the aforesaid railroad track or tracks and adjuncts, through private property, upon the proposed line of said railroad, are to be secured by said Grantee, its successors or assigns, from the owner or owners of such private property. (Ord. 73, Sec. 4; July 20, 1925)

1010-050

Work to construct the said railroad hereby authorized shall be commenced in good faith within four months from the granting of the said franchise, and shall be prosecuted diligently to completion within one year thereafter. (Ord. 73, Sec. 5; July 20, 1925)

1010-060

Said Grantee is required to file in the office of the County Clerk of the County of Sutter, State of California, an Acceptance in writing, of the provisions of this Chapter, and unless said Acceptance be filed within thirty (30) days after the final passage and approval of this Chapter, this Chapter shall become null and void and of no effect. (Ord. 73, Sec. 6; July 20, 1925)

B L A N K



Chapter 1020

PACIFIC GAS AND ELECTRIC COMPANY

1020-010

The right, privilege and franchise of erecting, constructing and maintaining electric lines consisting of poles or other suitable structures and wires, cross-arms and other appliances installed thereon, including wires for the private telegraph purposes of the grantee, in so many and in such parts of the public highways, streets, roads and places of said County of Sutter as the grantee of said right privilege and franchise may from time to time elect to use for the purposes hereinafter specified, and of using such electric lines for the purpose of transmitting, conveying, distributing and supplying electricity to the public for light, heat, power and all lawful purposes, are hereby granted by said County of Sutter to Pacific Gas and Electric Company, its successors and assigns. (Ord. 102, Sec. 1; Apr. 5, 1938)

1020-020

All electric lines which shall be constructed and used under and pursuant to the provisions of this chapter and in the exercise of the right, privilege and franchise herein granted shall be erected and constructed in a good and workmanlike manner under the direction of the Road Engineer of the County of Sutter, and shall be maintained in compliance with all valid laws and ordinances from time to time in force. (Ord. 102, Sec. 2; Apr. 5, 1938)

1020-030

The owner for the time being of the said right, privilege and franchise shall, immediately upon erecting, constructing, replacing or repairing the said electric lines, or any part thereof, at its own cost and expense place said highways, streets and roads, or so much thereof as may have been affected 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 electric lines, or any part thereof. (Ord. 102, Sec. 3; Apr. 5, 1938)

1020-040

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 electric lines from time to time as may be necessary and proper. (Ord. 102, Sec. 4; Apr. 5, 1938)

1020-050

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 Sutter 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 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; 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. (Ord. 102, Sec. 5; Apr. 5, 1938)

1020-060

The term of this franchise shall start with the effective date of this ordinance and continue in full force and effect until such time as the possessor thereof shall with the consent of the Railroad Commission of the State of California voluntarily surrender or abandon same, or until the State of California, the County of Sutter, or other public corporation thereunto duly authorized by law shall purchase by voluntary agreement or shall condemn and take under the power of eminent domain all property actually used and useful in the exercise of this franchise situate within the unincorporated area of the County of Sutter, or until this franchise shall be forfeited for non-compliance with its terms by the possessor thereof; provided, however, that, in no event, shall this franchise or its term extend beyond fifty (50) years from and after the effective date of this ordinance. This franchise shall never be considered or taken into account, in fixing the value of said property, in excess of the actual cost to the grantee hereof in procuring the same.

(Ord. 102, Sec. 6; Apr. 5, 1938)

1020-070

The franchise granted hereby shall not be exclusive.

(Ord. 102, Sec. 7; Apr. 5, 1938)

1020-080

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.

(Ord. 102, Sec. 8; Apr. 5, 1938)