

ORDINANCE NO. 19

ORDINANCE GRANTING TO PACIFIC GAS AND ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE TO INSTALL, MAINTAIN AND USE PIPES AND APPURTENANCES FOR TRANSMITTING AND DISTRIBUTING GAS FOR ANY AND ALL PURPOSES UNDER, ALONG, ACROSS OR UPON THE PUBLIC STREETS AND PLACES AS THE SAME NOW OR MAY HEREAFTER EXIST WITHIN THE CITY OF RIDGECREST.

The City Council of the City of Ridgecrest does ordain as follows:

Section 1. Whenever in this ordinance the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

- A. The word "grantee" shall mean Pacific Gas and Electric Company, and its lawful successors or assigns;
- B. The word "city" shall mean the City of Ridgecrest, a municipal corporation of the State of California, in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form;
- C. The word "streets" shall mean the public streets, ways, alleys, and places as the same now or may hereafter exist within city, including state highways, now or hereafter established within city, and freeways hereafter established within city;
- D. The word "gas" shall mean natural or artificial gas, or a mixture of natural and artificial gas;
- E. The phrase "pipes and appurtenances" shall mean pipes, pipelines, mains, services, traps, vents, vaults, manholes, meters, gauges, regulators, valves, conduits, appliances,

attachments, appurtenances and, without limitation to the foregoing, any other property located or to be located in, upon, along, across, under or over the streets of the city, and used or useful in transmitting and/or distributing gas;

F. The phrase "install, maintain and use" shall mean to lay, construct, erect, install, operate, maintain, use, repair or replace.

Section 2. The franchise to install, maintain and use in the streets of city all pipes and appurtenances for transmitting and distributing gas to the public for any and all purposes within city is hereby granted to Pacific Gas and Electric Company, its successors and assigns.

Section 3. Grantee of this franchise shall relocate, without expense to city, any pipes and appurtenances theretofore installed, and then maintained or used under this franchise, if and when made necessary by any lawful change of grade, alignment or width of any streets by city, including the construction of any subway or viaduct, provided, however, that the cost of any such relocation made necessary by the construction or any lawful change of grade, alignment or width of any freeway constructed by the State of California shall be divided equally between grantee and the State of California.

Section 4. Said franchise shall be indeterminate, that is to say, said franchise shall endure in full force and effect until the same shall, with the consent of the Public Utilities Commission of the State of California, be voluntarily surrendered or abandoned by grantee, or until the state or some municipal or 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 said franchise and situate in the territorial limits of the state, municipal or public corporation purchasing or condemning such property, or until said franchise shall be forfeited for noncompliance with its terms by grantee.

Section 5. Grantee of said franchise shall during the term thereof pay to city two per cent of the gross annual receipts of grantee arising from the use, operation or possession of said franchise; provided, however, that such payment shall in no event be less than one per cent of the gross annual receipts of grantee derived from the sale of gas within the limits of city.

Section 6. Grantee shall file with the Clerk of city, within three months after the expiration of the calendar year, or fractional calendar year, following the date of the granting hereof, and within three months after the expiration of each and every calendar year thereafter, a duly verified statement showing in detail the total gross receipts of grantee during the preceding calendar year, or such fractional calendar year, from the sale of gas within city. Grantee shall pay to city within fifteen days after the time for filing such statement, in lawful money of the United States, the aforesaid percentage of its gross receipts for such calendar year, or such fractional calendar year, covered by such statement. Any neglect, omission or refusal by grantee to file such verified statement, or to pay said percentage at the time and in the manner specified, shall be grounds for the declaration of a forfeiture of this franchise and of all rights of grantee hereunder.

Section 7. Said franchise is granted under the Franchise Act of 1937.

Section 8. This ordinance shall become effective thirty days after its final passage unless suspended by a referendum petition filed as provided by law.

Section 9. Grantee of said franchise shall pay to city a sum of money sufficient to reimburse it for all publication expenses incurred by it in connection with the granting thereof; such payment to be made within thirty days after city shall have furnished grantee with a written statement of such expenses.

Section 10. The franchise granted hereby shall not become effective until written acceptance thereof shall have been filed by grantee with the City Clerk.

Section 11. The City Clerk shall cause this ordinance to be posted in at least three (3) public places in the City in accordance with Section 36933 of the Government Code of the State of California.

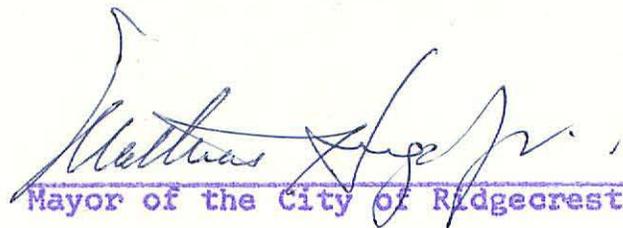
First read at a regular meeting of the City Council of city held on the 5th day of March, 1964, and finally adopted and ordered posted at a regular meeting of said Council held on the

26th day of March , 1964, by the following vote:

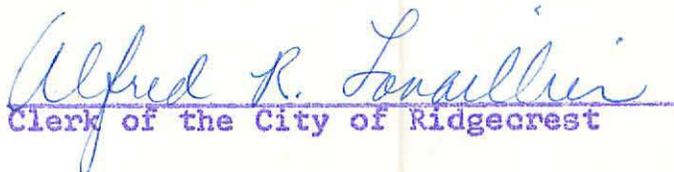
AYES: HUGO, GILMER, JULES, KRAUS, WEBB

NOES: None

ABSENT: None

  
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Mayor of the City of Ridgecrest

ATTEST:

  
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Clerk of the City of Ridgecrest