

ORDINANCE NO. 232

ORDINANCE GRANTING TO PACIFIC GAS AND ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE TO USE FOR TRANSMITTING, CONDUCTING, AND DISTRIBUTING GAS WITHIN THE TOWN OF SAN ANSELMO FOR ANY AND ALL PURPOSES OTHER THAN THOSE AUTHORIZED UNDER SECTION 19 OF ARTICLE XI OF THE CONSTITUTION OF THE STATE OF CALIFORNIA AS SAID SECTION EXISTED PRIOR TO ITS AMENDMENT ON OCTOBER 10, 1911, ALL GAS MAINS, PIPES, CONDUITS AND CONNECTIONS THEREWITH THAT ARE NOW OR MAY HEREAFTER BE LAWFULLY PLACED IN THE PUBLIC STREETS, WAYS AND PLACES WITHIN SAID TOWN, AND TO CONSTRUCT, MAINTAIN AND OPERATE IN SAID PUBLIC STREETS, WAYS AND PLACES ALL MAINS, PIPES, CONDUITS AND CONNECTIONS NECESSARY OR PROPER FOR SAID PURPOSES.

The City Council of the Town of San Anselmo do ordain as follows:

Section 1. The franchise (a) to use, for transmitting, conducting, and distributing gas within the Town of San Anselmo for any and all purposes other than those authorized under Section 19 of Article XI of the constitution of the State of California as said section existed prior to its amendment on October 10, 1911, all gas mains, pipes, conduits and connections therewith that are now or may hereafter be lawfully placed in the public streets, ways and places within said town, and (b) to construct, maintain and operate in said public streets, ways and places all mains, pipes, conduits and connections necessary or proper for said purposes, is hereby granted to Pacific Gas and Electric Company, its successors and assigns, for the term of fifty years from and after the effective date of this ordinance upon the terms and conditions in this ordinance prescribed.

Section 2. All construction done under said franchise shall be done subject to the general supervision and direction of the proper authorities of said town and in compliance with all valid ordinances and regulations which are now or shall hereafter be enacted and prescribed by said town under its police power.

Section 3. All public streets, ways or places disturbed or excavated by grantee, its successors or assigns, hereunder, shall at its or their own cost and expense immediately be placed in as good order and condition as same were in before being so disturbed or excavated.

Section 4. The grantee of said franchise, its successors or assigns, shall during the life of said franchise pay to said town two per cent (2%) of the gross annual receipts of said grantee, its successors or assigns, arising from the use, operation or possession of said franchise. No percentage shall be paid for the first five years succeeding the date of this franchise, but thereafter such percentage shall be payable annually; and in the event said payment shall not be made said 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 5. Said town hereby reserves the right to acquire the properties of the grantee of this franchise located within the corporate limits of said town under the provisions of the Public Utility Act of the State of California by proceedings in eminent domain or condemnation and in such event the grantee of this franchise shall agree that it will not claim before the Railroad Commission of the State of California, any court or other public body a value of this franchise in excess of the original cost thereof.

Section 6. This ordinance shall become effective thirty days after its final passage, unless suspended by a referendum petition filed as provided by law.

Section 7. This ordinance shall be published once within twenty days after its final passage in the "Marin

Herald" a newspaper of general circulation published and
circulated in said town.

PASSED this 23rd day of July 1935,
by the following vote:

AYES: Councilmen Neupsey, Cofford, Los Peis,
Linch & Mayor Fusselman.

NOES: Councilmen None

ABSENT: Councilmen None.

William F. Fusselman
Mayor of the Town of San
Anselmo

Attest: F. Brown
Clerk of the Town of San Anselmo.