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RESOLUTION NO. 103.

Adopted October 1, 1928.

RESOLUTION OF THE BOARD OF TRUSTEES IN THE MATTER  
OF THE APPLICATION OF C. N. Taylor, FOR A GAS  
FRANCHISE AND PRIVILEGE.

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WHEREAS, C. N. Taylor having heretofore, by petition in writing, filed with the Board of Trustees on the 2nd day of April, 1928, made application to the Board of Trustees of the City of El Paso de Robles, California, for a franchise and privilege therein and hereinafter particularly described, and said application coming on regularly on April 2, 1928, to be heard and considered by said Board of Trustees, it was on said April 2, 1928, by said Board of Trustees RESOLVED, ORDERED AND DECLARED THAT IT WAS THE PURPOSE OF SAID Board of Trustees to grant said franchise and privilege, in which resolution the character of said franchise and the privileges proposed to be granted, and the term for which it was to be granted, and the conditions and restrictions of such franchise and privilege were set forth and recited and were as hereinafter recited; and

WHEREAS, the Clerk of said City duly advertised for bids in accordance with said resolution and said C. N. Taylor was the highest and best bidder for such franchise and privilege, and his bid therefor was accepted by said Board of Trustees, and said C. N. Taylor having failed to file with the Board of Trustees within five days after said franchise had been awarded to him a bond running to said City in the penal sum of \$500.00, said grant of said franchise became void and of no further force and effect, and the award of said franchise is hereby set aside; and

WHEREAS, it is the intention and desire of this Board of

Trustees to readvertise said franchise for sale.

THEREFORE BE IT, AND IT IS HEREBY FURTHER RESOLVED, ORDERED AND DECLARED that it is the purpose of said Board of Trustees to set aside the award of said franchise and readvertise the same and said Board of Trustees does now set aside the award of said franchise, and it is the purpose of said Board of Trustees to again offer said franchise for sale and to grant said franchise and privilege and that the character of said franchise and privilege proposed to be granted and the term for which it is to be granted, and the conditions, and restrictions of such franchise and privilege are set forth and recited in the following proposed ordinance, to wit:

ORDINANCE NO. \_\_\_\_\_ N.S.

An Ordinance granting the right, privilege and franchise of laying and constructing gas pipes, pipe lines and mains, making connections with the same and maintaining the same in the City of El Paso de Robles, County of San Luis Obispo, State of California, and of distributing and selling gas therein and therethrough to the said City of El Paso de Robles and its residents, and also the franchise and right to construct, maintain, enlarge and extend a gas plant for the purpose of manufacturing and distributing gas to said City and its residents.

The Board of Trustees of the City of El Paso de Robles does ordain as follows:

Section 1.

The right, privilege and franchise is hereby granted to C. N. Taylor, or his assigns, to lay and construct gas pipes, pipe lines, conduits and mains, with their appurtenances, and to make connections with said pipes, pipe lines, conduits, mains and appurtenances, and to maintain the same along, through, across and under the alleys, streets, avenues, roads, highways, thoroughfares and sidewalks in the City of El Paso de Robles, County of San Luis Obispo, State of California; and to distribute and sell gas therein and therethrough, in and to the said City of El Paso de Robles, and its residents, for light, heat, power, domestic and other purposes, and also the franchise and right to build, construct, maintain, enlarge and extend a gas plant for the purpose of manufacturing and distributing gas for the aforesaid purpose in and to said City and its residents, including the

right to do anything and everything that may be necessary or incidental thereto, in order to enable the said C. N. Taylor to manufacture, furnish, sell and distribute, as a public utility, gas for any and all of the aforesaid purposes, under such provisions and restrictions as the Board of Trustees hereby imposes.

#### Section 2.

The said Grantee, his successors and assigns are hereby granted the said franchise, right, privilege and permission hereinabove designated for the term of fifty (50) years from and after the date of final adoption and passage of this Ordinance.

#### Section 3.

The Grantee herein, his successors or assigns, must, during the life of this franchise, right, privilege and permission, pay to the City of El Paso de Toboles, two (2) per cent of the gross annual receipts arising from the use, operation and possession of said franchise, right, privilege and permission, and resulting from the sale of gas by the Grantee, his successors or assigns, delivered within the limits of the City of El Paso de Toboles; provided, however, that no percentage shall be required to be paid for the first five (5) years succeeding the date of this franchise, but thereafter such percentage shall be payable annually, and in the event said payment is not so made, this franchise shall be forfeited.

#### Section 4.

The maximum price and charges for gas produced by the contemplated plant of Grantee, its or his successors and assigns, to consumers of the City shall not, during the existence and life of this franchise exceed One Dollar and Fifty Cents (\$1.50) for the first four hundred (400) cubic feet used; Two Dollars (\$2.00) per One Thousand (1,000) cubic feet for the next Two Thousand (2,000) cubic feet; and One Dollar and Fifty Cents (\$1.50) per One Thousand (1,000) cubic feet for all over Two Thousand Four Hundred (2,400) cubic feet.

#### Section 5.

No excavation, or part of any excavation made for the purpose of laying pipes, under this franchise, shall be permitted to remain open longer than five days after the excavation is made, but the same shall be filled up and the streets, alleys, sidewalks, curbs, or either wherein such excavation shall have been made shall be fully and in every respect restored to their former condition, at the cost and expense of the Grantee of said franchise, or its or his assigns.

## Section 6.

All gas pipes shall be laid so that the top of said pipes shall be at a depth of not less than twenty inches below the established or official grade of the street, alley or other public thoroughfares, provided, however, that in cases where grades have not been established such pipes shall be laid a depth of not less than thirty inches below the existing surface of such street, alley or public thoroughfares, and provided, further, that the said Board of Trustees of the City of El Paso de Robles reserves the right to change or establish the grade of any of its streets, alleys, or public thoroughfares, and to require the Grantee of said franchise, or his or its assigns, to lay any of the pipes laid therein to the proper depth so that the same when so laid shall conform to such grade or grades of said streets, alleys, or public thoroughfares; all at the cost and expense of the Grantee of said franchise, or his or its assigns.

## Section 7.

The work of laying said pipes shall be commenced in good faith within not more than four months from the date of the granting of said franchise, and shall be continuously prosecuted thereafter in good faith, and diligently to completion, and if not so commenced within said time said franchise so granted shall be declared and the same shall be forfeited and said work after the commencement thereof as aforesaid shall be completed and in operation within not more than one year after the commencement of work on said pipes.

## Section 8.

The Grantee of this franchise, or his or its assigns, shall bear the expense of laying and furnishing all connecting pipes from the mains to the lot lines of each consumer; and the consumer shall bear the expense of laying and furnishing such connecting pipes from the lot lines to where the same are connected with the meter.

## Section 9.

The franchise herein proposed to be granted shall not be an exclusive franchise, but the said City of El Paso de Robles reserves the right to grant any other franchise or franchises for the same or a similar purpose along the same streets, alleys, avenues, or other public thoroughfares of said City, or any portion thereof.

## Section 10.

All pipes shall pass the requirements and tests as specified in the standard specifications of the American Gas Association last adopted.

## Section 11.

For a low pressure system all belt lines shall be not less than six (6) inches in diameter and all main lines not less than two (2) inches in diameter with house service not less than 1 1/4 inches carried to property line.

For a high pressure system all belt lines shall be not less than four (4) inches in diameter and all main lines shall be not less than two (2) inches in diameter with house services not less than 3/4 inch.

## Section 12.

Whenever required by said City the Grantee of this franchise shall file a map with the Clerk of said City showing sizes and locations of all pipes, plant and equipment and they shall be subject to the approval of the Board of Trustees and City Engineer and all rules and regulations that said City may enact from time to time.

## Section 13.

All pipes and other equipment must be of standard approved type and shall be subject to the inspection and approval of the City Engineer.

## Section 14.

The Grantee of this franchise shall keep an accurate record of cost of construction and installation and file a copy of same with the City Clerk.

## Section 15.

All construction and material used by the Grantee of this franchise shall be in accordance with the orders of the Railroad Commission and City of El Paso de Robles ordinances and as such orders and ordinances may be amended or supplemented and all material and labor and construction shall be to the satisfaction of the Board of Trustees of the City of El Paso de Robles.

## Section 16.

It is ordered that this ordinance be published in accordance with and as required by law in the Paso Robles Press, a weekly newspaper of general circulation printed and published in the City of El Paso de Robles, County of San Luis Obispo, State of California.

## Section 17.

This ordinance shall take effect thirty (30) days from and

after its publication.

It is further ordered, stated and declared that the 19th day of November, 1928, at 7.30 P.M., of that day, be, and the same is hereby fixed as the hour and day up to which tenders will be received for said franchise and privilege at the meeting place of said Board of Trustees in the City Hall of said City in said County and State.

That the said Clerk of said City be, and she is hereby directed to advertise the fact that said application for said franchise has been made to said Board of Trustees, together with a statement that it is proposed to grant said franchise upon the aforesaid terms and subject to the aforesaid conditions and restrictions by publication in the Paso Robles Press, a weekly newspaper of general circulation published in the City of El Paso de Robles, in said County and State. That said advertisement be published once a week for four successive weeks; that the full publication thereof be completed not less than twenty days nor more than thirty days before the said 19th day of November, 1928; that such advertisement state the character of said franchise and privilege herein proposed to be granted, the term for which it is granted, and that sealed bids for said franchise and privilege will be received up to the hour of 8:00 o'clock P.M. of said 19th day of November, 1928, at the said meeting place of said Board of Trustees in said City Hall, and that said franchise and privilege will be struck off, sold and awarded to the person, firm or corporation who shall make the highest cash bid therefor; provided, however, that at said time of the opening of said bids any responsible person, firm or corporation present or represented may bid for said franchise a sum not less than ten per cent (10%) above the highest sealed bid therefor, and said bid so made may be raised not less than ten per cent (10%) by any other responsible bidder and said bidding may so continue until finally said franchise shall be struck off, sold and awarded by said Board of Trustees to the highest bidder therefor in gold coin of the United States. Each sealed bid shall be accompanied with cash or a certified check payable to the City Treasurer of the City of El Paso de Robles, for the full amount of said bid, and no sealed bid will be considered unless such cash or check is enclosed therewith. The successful bidder shall deposit at least ten per cent (10%) of the amount of his bid with the City Clerk of the City of El Paso de Robles, before said franchise will be struck off to him; and if he shall fail to make such deposit immediately, then and in that event, his bid shall not be received, but shall be considered as void and said franchise shall then and there

be again offered for sale to the bidder who shall make the highest cash bid therefor, subject to the same conditions as to deposit as above mentioned. Said procedure shall be had until said franchise is struck off, sold and awarded to the bidder who shall make the necessary deposit of at least ten per cent (10%) of the amount of his bid as herein provided. Said successful bidder shall deposit with the City Clerk of said City of El Paso de Robles, within twenty-four (24) hours after the acceptance of his bid, the remaining ninety per cent (90%) of the amount thereof, and in case he or it fails to do so, then the said deposit theretofore made shall be forfeited and the said award of said franchise shall be void and the said franchise shall then and there, by said Board of Trustees, be again offered for sale to the highest bidder therefor in the same manner and under the same restrictions as hereinbefore provided, and in case said bidder shall fail to deposit with the City Clerk the remaining ninety per cent (90) of his bid within twenty-four (24) hours of its acceptance, the award to him of said franchise shall be set aside and the deposit theretofore made by him shall be forfeited and no further proceedings for the sale of said franchise shall be had until the same shall be readvertised and again offered for sale. Said advertisement shall further state that the successful bidder and his assigns must, during the life of said franchise pay to said City, annually two per cent of the gross annual receipts of the person, partnership, or corporation to whom the franchise is awarded, arising from its use, operation or possession, beginning with the expiration of five years succeeding the date of the franchise, and that the successful bidder for said franchise must, within five days after said franchise is awarded to him or it, file with the Board of Trustees a bond running to said City in the penal sum of Five Hundred Dollars (\$500.00) with at least two good and sufficient sureties to be approved by said Board of Trustees, conditioned that said bidder will construct said gas system and shall well and truly observe, fulfill and perform each and every term and condition of said franchise, and <sup>that</sup> in case of any breach of condition of bond the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and sureties upon said bond. If said bond be not so filed the award of said franchise will be set aside and any money paid therefor shall be forfeited and said franchise shall, in the discretion of said Board of Trustees, be readvertised and again offered for sale.

Said advertisement and notice to be given by said Clerk pursuant to this order or resolution shall be in such form as is required by law and

this resolution and shall be prepared by the City Attorney.

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