

RESOLUTION NO. 410

RESOLUTION ACCEPTING SUM TENDERED BY
PACIFIC GAS AND ELECTRIC COMPANY IN PAYMENT
FOR ELECTRIC FRANCHISE APPLIED FOR BY IT.

WHEREAS Pacific Gas and Electric Company, a California utility corporation, filed in the office of this Council on the 18th day of June, 1940, its application for the franchise (a) to use for transmitting and distributing electricity within the City of El Paso de Robles 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 poles, wires, conduits and appurtenances which now are or may hereafter be lawfully placed in the public streets, ways and places within said city, and (b) to construct and use in said public streets, ways and places all poles, wires, conduits and appurtenances, including communication circuits, necessary or proper for said purposes; and

WHEREAS this Council on the 17th day of November 1941, adopted a resolution declaring its intention of granting said franchise upon the terms and conditions in said resolution set forth, and fixing the date for hearing objections to the granting thereof; and due notice of said intention and date for hearing objections was published in the manner and for the time prescribed by law and by the aforesaid resolution; and

WHEREAS this Council, at the time specified in said resolution and in said notice, viz: at the hour of 8 p.m. on Monday the 8th day of December, 1941, met in open session for the purpose of hearing protests or objections to the granting of said franchise; and

WHEREAS no protests or objections to the granting of said franchise were made or filed; and the proposed ordinance granting said franchise thereupon received its first reading; and

WHEREAS this Council again met at a regular meeting on the 15th day of December, 1941, at which time this Council received a written tender from Pacific Gas and Electric Company to pay for said franchise the sum of one thousand four hundred ----- dollars (\$ 1400.00) in lawful money of the United States of America, and said tender was accompanied by the check of said Pacific Gas and Electric Company, payable to the Treasurer of the City of El Paso de Robles for said amount; and

WHEREAS this Council deems said sum constitutes a reasonable payment for said franchise and the acceptance of said franchise constitutes a fair consideration for a discharge of said company from any and all obligations to the City of El Paso de Robles for past use of its streets for the purposes for which said franchise is to be granted;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of El Paso de Robles that it does hereby accept

said sum of \$ 1400.00 in lawful money of the United States of America, in payment as aforesaid, conditional, however, upon the understanding that if the ordinance granting said franchise shall not become effective or certificate of convenience and necessity of the Railroad Commission of California to exercise said franchise be not issued said sum shall be refunded to Pacific Gas and Electric Company; and


BE IT FURTHER RESOLVED that in consideration of the acceptance by Pacific Gas and Electric Company of said franchise and its operation thereunder the City of El Paso de Robles does hereby declare discharged all obligations of said company for past use of the streets of the City of El Paso de Robles for the purposes set forth in the form of franchise applied for.

ADOPTED by the Council of the City of El Paso de Robles on the 15th day of December, 1941, by the following vote:

AYES: Councilmen Brooks, Dougherty, Gerst,
Liddle and Nelson.

NOES: Councilmen None

ABSENT: Councilmen None


Mayor of the City of El Paso
de Robles.

ATTEST:


Clerk of the City of El
Paso de Robles.