

ORDINANCE NO. 1278

AN ORDINANCE GRANTING A FRANCHISE FOR UNDERGROUND WATERPIPER TO CALIFORNIA WATER & TELEPHONE COMPANY

The Board of Supervisors of the County of Monterey do ordain as follows:

SECTION 1.

Subject to the terms and conditions hereinafter set forth, a nonexclusive franchise is hereby granted by the County of Monterey to CALIFORNIA WATER & TELEPHONE COMPANY, a corporation, for a period of 50 years from and after the effective date of this ordinance to install and thereafter maintain, replace, and use underground water pipelines and appurtenances for the distribution of water to the public for any and all purposes in so many and in such parts of the public highways, roads, streets, and ways within the unincorporated territory of the County of Monterey, other than in locations where the grantee has a prior right by grant, as the grantee may from time to time elect to use.

SECTION 2.

The grantee shall, during the life of this franchise, pay to the County of Monterey two percent of his or its gross annual receipts arising from the use, operation, or possession of this franchise and based only upon pipelines and facilities originally installed after the effective date of this franchise; provided, however, that no percentage shall be paid for the first five years succeeding the effective date of this franchise, but thereafter such percentage shall be payable annually, and if such payment is not made this franchise shall be forfeited. Such payments shall be made annually on or before the last day of March of each year, for the preceding calendar year or fraction

thereof, and shall be accompanied by a verified statement showing in detail the basis of computation thereof.

The County of Monterey shall have the right to inspect, audit, and copy such of the grantee's books, records, and maps as may be pertinent in connection with the operations of the grantee under this franchise.

SECTION 3.

The grantee shall, within sixty days after a written demand from the County of Monterey therefor, deliver to the county's Road Commissioner such maps or drawings, in such form as the Road Commissioner may require, as will clearly show the sizes and locations of grantee's pipelines and facilities which are in place as of the effective date of this franchise. Thereafter the grantee shall, at least as often as annually, and without further demand by the county, deliver to the county's Road Commissioner, or to such other county officer as the county may designate, such revised maps or drawings, in such form as the county may require, as may be necessary to keep the county's set of maps or drawings showing grantee's system up to date.

SECTION 4.

A bond substantially the same as the bond heretofore filed by the grantee with the Board of Supervisors of the County of Monterey, in the penal sum of \$5,000, pursuant to Section 6010 of the Public Utilities Code, shall be kept in full force and effect by the grantee at all times, either by annual renewal or otherwise. In lieu of such a bond the grantee may, at its option, deposit with the county cash in the same amount and subject to the same conditions as such bond.

SECTION 5.

The grantee shall at all times comply with all State laws and all ordinances of the County of Monterey relating to work, excavations, and encroachments in the county roads. All pipelines and appurtenances hereby franchised shall be installed, maintained, and used in a good and workmanlike manner.

SECTION 6.

Upon being given notice in writing, the grantee shall promptly and at its own expense protect, support, disconnect, relocate, or remove all pipelines and appurtenances hereby franchised whenever necessary to make way for, or accommodate, a proper governmental use of the roads or streets, except that grantee's duty under this section shall not run in favor of the State in the event that any such road or street becomes a State freeway.

SECTION 7.

In the event of the acquisition of the property of the grantee by the exercise of the power of eminent domain, or by the purchase by the county or other authorized body politic entitled to exercise the power of eminent domain, this franchise shall be deemed to have no greater value than the cost to the grantee of the necessary publication expenses and any other sum paid by it to said county at the time of the award hereof.

SECTION 8.

The grantee shall indemnify and hold harmless the County of Monterey and its officers and employees from all liability for damages to third persons caused by or resulting from the exercise or enjoyment of this franchise.

SECTION 9.

The grantee shall reimburse the County of Monterey for all publication expenses incurred by the county in connection with the advertising and granting of this franchise, such payment to be made within thirty days after the county furnishes the grantee with a written statement of such expenses.

SECTION 10.

Any neglect, failure, or refusal to comply with any of the

terms of this franchise shall constitute cause for the forfeiture thereof, in the discretion of the county's board of supervisors; and in the exercise of such discretion such board may declare this franchise forfeited and may exclude the grantee from any further use of the public roads under the jurisdiction of such board,

SECTION 11.

This franchise is granted under and pursuant to the provisions of the laws of the State of California relating to the granting of franchises by counties.

SECTION 12.

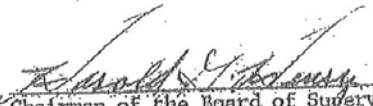
This franchise and all of its provisions, rights, obligations, and duties shall bind and inure to the benefit of any successors or assigns of the grantee.

PASSED AND ADOPTED this 11th day of February, 19 63, by the following vote:

AYE: Supervisors Deaver, Atteridge, Henry, Echeberria, Hudson.

NO: None.

ABSENT: None.


Chairman of the Board of Supervisors
of the County of Monterey

Attest:

Emmet G. McMenamin
Clerk of said board

By Elizabeth B. Baron
Deputy