

ORDINANCE NO. 22

ORDINANCE GRANTING TO SOUTHERN CALIFORNIA EDISON COMPANY, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO USE AND TO CONSTRUCT AND USE, FOR TRANSMITTING AND DISTRIBUTING ELECTRICITY FOR ANY AND ALL PURPOSES, POLES, WIRES, CONDUITS AND APPURTENANCES, INCLUDING COMMUNICATION CIRCUITS NECESSARY OR PROPER THEREFOR, IN, ALONG, ACROSS, UPON, OVER AND UNDER THE PUBLIC STREETS, WAYS, ALLEYS AND PLACES WITHIN THE CITY OF GARDEN GROVE.

The City Council of the City of Garden Grove does ordain as follows:

Section 1. Whenever in this ordinance the words or phrases hereinafter in this section defined are used, it is intended that they shall have the respective meanings assigned to them in the following definitions (unless, in the given instance, the context wherein they are used shall clearly import a different meaning):

(a) The word "grantee" shall mean the corporation to which the franchise contemplated in this ordinance is granted and its lawful successors or assigns;

(b) The word "City" shall mean the City of Garden Grove, a municipal corporation of the State of California, in its present incorporated form or in any later reorganized, consolidated, enlarged or re-incorporated form;

(c) The word "streets" shall mean the public streets, ways, alleys and places as the same now or may hereafter exist within said City;

(d) The phrase "poles, wires, conduits and appurtenances" shall mean poles, towers, supports, wires, conductors, cables, guys, stubs, platforms, cross-arms, braces, transformers, insulators, conduits, ducts, vaults, manholes, meters, cut-outs, switches, communication circuits, appliances, attachments, appurtenances and any other property located or to be located in, along, across, upon, over or under the streets of said City, and used or useful, directly or indirectly, for the purpose of transmitting or distributing electricity;

(e) The phrase "construct and use" shall mean to lay, construct, erect, install, operate, maintain, use, repair, replace or relocate.

Section 2. The franchise to use and to construct and use, for transmitting and distributing electricity for any and all purposes, poles, wires, conduits and appurtenances, including communication circuits necessary or proper therefor, in, along, across, upon, over and under the streets within the City of Garden Grove, is hereby granted to Southern California Edison Company, its lawful successors and assigns, upon the terms and conditions set forth in the Franchise Act of 1937.

Section 3. Said franchise shall be indeterminate, that is to say, said franchise shall endure in full force and effect until, with the consent of the Public Utilities Commission of the State of California, the same shall be voluntarily surrendered or abandoned by the 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 within 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 the grantee.

Section 4. The grantee of said franchise, during the life thereof, will pay to said City two per cent (2%) of the gross annual receipts of said 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 (1%) of the gross annual receipts derived by grantee from the sale of electricity within the limits of said City.

Section 5. The grantee shall file with the City Clerk of said City, within three (3) months after the expiration of the calendar year, or fractional calendar year, following the date of the granting of this franchise, and within three (3) months after the expiration of each calendar year thereafter, a verified statement showing in detail the total gross receipts of said grantee derived during the preceding calendar year, or such fractional calendar year, from the sale of

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electricity within the limits of said City. The grantee shall pay to said City within fifteen (15) days after the time for filing said statement, in lawful money of the United States, the aforesaid percentage of its gross receipts for the calendar year, or fractional calendar year, covered by said statement. Any neglect, omission or refusal by said grantee to file said verified statement, or to pay said percentage at the times or in the manner hereinbefore provided, shall constitute grounds for the declaration of a forfeiture of this franchise and of all rights of grantee hereunder.

Section 6. The grantee of this franchise shall file a bond running to the City with at least two good and sufficient sureties approved by the City Council of said City, or with a corporate surety approved by said City Council, in the penal sum of One Thousand Dollars (\$1,000.00), conditioned that the grantee shall well and truly observe, fulfill and perform each term and condition of this franchise, and that in case of any breach of condition of said bond, the amount of the penal sum therein named shall be recoverable from the principal and sureties upon said bond. Said bond shall be filed with the City Council of said City within five (5) days after the date of the granting of this franchise; and in case said bond is not so filed, or does not receive the approval of said City Council, this franchise may be refused or forfeited and any money paid to the City in connection therewith shall be retained by the City.

Section 7. This franchise is granted under and in accordance with the provisions of said Franchise Act of 1937.

Section 8. This ordinance shall become effective thirty (30) days after its final passage, unless suspended by referendum petition filed as provided by law.

Section 9. The grantee of this franchise shall pay to the City a sum of money sufficient to reimburse it for all publication expenses incurred by it in connection with the granting of this franchise; said payment to be made within thirty (30) days after the City shall have furnished said 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 the grantee with the City Clerk of said City.

Section 11. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in the Garden Grove News, a newspaper of general circulation published and circulated in said City.

First read at a regular meeting of the City Council of said City held on the 13th day of November, 1956, and finally adopted and ordered published at a regular meeting of said City Council held on the 20th day of November, 1956, by the following vote:

AYES: COUNCILMEN: BARR, BLADES, DUNGAN, JONOLD, LAKE  
NOES COUNCILMEN: NONE  
ABSENT: COUNCILMEN: NONE

W. Sou, Lake  
MAYOR OF THE CITY OF GARDEN GROVE

ATTEST:  
William Richard  
CITY CLERK OF THE CITY OF GARDEN GROVE

(SEAL)