

ORDINANCE NO. 1228

An ordinance of the City Council of the City of Redlands, granting to the Pacific Electric Railway Company, its successors and assigns, the right for the period of twenty-five years to maintain and operate a railroad track upon San Bernardino Avenue, and over the route herein described, in said City of Redlands, together with certain appurtenant and incidental rights.

The City Council of the City of Redlands does ordain as follows:

SECTION 1. That the right and privilege be and the same is hereby granted to Pacific Electric Railway Company, its successors and assigns, for the period of twenty-five (25) years to maintain and operate a standard gauge single track electric railroad in the City of Redlands, California, over the route described as follows, to wit:

Over and along the center of San Bernardino Avenue from a point 100 feet west of the center line of Texas Street to the boundary of the City of Redlands.

SECTION 2. The terms and conditions upon which said right, privilege and franchise are granted are as follows:

1. That said grantee, its successors and assigns, shall use good material in any reconstruction of said railroad, and the said railroad shall be maintained in a good and workmanlike manner, and the said grantee, its successors and assigns, shall, at its or their expense, gravel or macadamize the said street between the tracks and for two feet on each side thereof where said railroad is constructed upon said street, with the same material used by the City and under the same specifications, and in the same manner as upon the street upon which said railroad runs, and shall keep the same constantly paved, graveled or macadamized, and in repair, and as near as possible on the grade with the street, all repairs and grading on said street where said railroad or roadbed crosses said above named street to be made under the direction of and to the satisfaction of the City Council, or the street superintendent, of the City of Redlands, at the expense of the grantee of this franchise, its successors or assigns.

In case the said grantee, its successors or assigns, shall fail to comply with the instructions given by said street superintendent or City Council in regard to such street work, then said street superintendent shall enter upon such street and do the work as ordered by the City Council, and said street superintendent shall keep an itemized statement of said work, which the grantee hereof, its successors or assigns by the acceptance of this franchise, hereby agree to pay immediately, upon the presentation of such account to said grantee, its successors or assigns. Its or their failure to do so shall be sufficient cause for forfeiture of said right or privilege hereby granted in case said roadbed or tracks are not kept in repair, as hereinbefore provided.

Provided, further, that said grantee, its successors and assigns, shall construct all necessary flumes and culverts for the free passage of water under the tracks where the same naturally flows, and that such flumes and culverts shall be constructed in accordance with plans and specifications provided by the City Council.

Provided, further, that said grantee, its successors and assigns, shall have the right to excavate and remove portions of said street necessary to properly maintain said railroad, and to erect needful apparatus, side-tracks, turnouts, switches and other appliances, center poles and span poles for carrying trolley, power, telephone and telegraph wires, and other wires used by said grantee in the operation of said railroad, and other appliances necessary to properly equip and run said railroad.

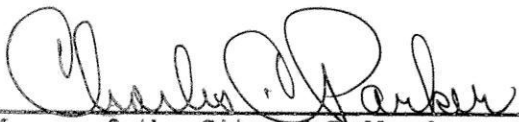
Provided, further, that the City of Redlands, in granting said right and franchise, expressly reserves the right to pave, gravel, macadamize, renew or sewer said street, or to lay water, gas, or other pipe therein, or to erect telephone or telegraph and other wires over and across said railroad, said work to be done so as to injure said railroad as little as possible.

2. That the further privilege, authority and right be, and the same is hereby granted to said grantee, its successors and assigns, to use electricity over any and all of the line of railroad hereby authorized to be operated and maintained and the privilege thereof, and also use of gas electric and diesel electric motive power within the said City of Redlands for the purpose of propelling cars or trains on said railroad or any portion thereof.

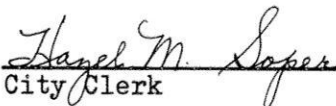
3. That the said grantee, its successors and assigns, during the life of said franchise shall pay to the City of Redlands, in lawful money of the United States, two per cent (2%) of the gross annual receipts of such grantee and their or its successors and assigns, arising from the use, operation or possession of said franchise. Such percentage shall be payable annually, and the said franchise is to be forfeited by failure to make the payments provided for; provided, that if the railroad for which said franchise is granted shall be an extension of an existing system of street railroad then the gross receipts shall be estimated to be one-half of the proportion of the total gross receipts of such system which the mileage of such system bears to the total mileage of said whole system, and said estimate shall be conclusive as to the amount of the gross receipts of such extension, and it shall be the duty of the grantee of such franchise, its successors and assigns, to file with the clerk of said city at the expiration of six years from the date of the granting of said franchise, and at the expiration of each and every year thereafter, a statement verified by the oath of said grantee, its successors and assigns, or by the oath of the manager or presiding officers of such grantee, its successors or assigns, showing the total gross receipts and gross earnings, collected and received by said grantee, or its successors and assigns, during the preceding twelve months from all traffic on any part of the line for the maintenance and operation of which said franchise is granted, or over any part of the system of said railroad of which it may be an extension, and from all other sources, and within the ten days after

the time for filing the aforesaid statement it shall be the duty of said grantee, its successors and assigns, to pay to the City Treasurer of said city, the aggregate sum of said percentage upon the amount of the gross annual receipts arising from the use, operation and possession of said franchise determined and computed in the manner hereinbefore provided. Any neglect, omission or refusal by said grantee, or its successors and assigns, to file said verified statement, or to pay the said percentage of the said gross annual receipts at the times or in the manner hereinbefore provided, shall work a forfeiture of said franchise and all rights thereunder to the City of Redlands. That any neglect, failure or refusal to comply with any of the conditions of said franchise shall thereupon effect a forfeiture thereof, and the said City Council may thereupon declare said franchise forfeited and may exclude said grantee, its successors or assigns, from further use of said street under said franchise, and said grantee, its successors and assigns shall thereupon and immediately surrender all rights in and to the same and said franchise shall be deemed and shall remain null, and void and of no effect.

The City Clerk shall certify to the passage of this ordinance by a two-thirds vote of all the members of the City Council of the City of Redlands, and shall cause the same to be published once in the Redlands Daily Facts, a newspaper of general circulation printed and published daily in said City of Redlands, and thereupon and thereafter it shall take effect and be in force.

  
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Mayor of the City of Redlands

ATTEST:

  
\_\_\_\_\_  
City Clerk

I hereby certify that the whole number of the City Council of the City of Redlands is five; that on the 20 day of August, 1963, at a regular

meeting of said Council, a quorum being present, the foregoing ordinance was passed and adopted by a two-thirds vote of all the members of said City Council, to wit,

By the following vote:

AYES: Councilmen Burroughs, Martinez, Wagner; Mayor Parker

NOES: None

ABSENT: Councilman Hartzell

Hazel M. Loper  
City Clerk