

ORDINANCE NO. 10798
(New Series)

MAR 14 1972

AN ORDINANCE AMENDING ORDINANCE NO. 4019 (New Series) WHICH GRANTED TO THE RICHFIELD OIL CORPORATION (NOW THE ATLANTIC RICHFIELD COMPANY, FORMERLY THE ATLANTIC REFINING COMPANY, SUCCESSOR TO RICHFIELD OIL CORPORATION BY MERGER) AND TO ITS SUCCESSORS AND ASSIGNS A FRANCHISE AND AUTHORITY TO LAY, CONSTRUCT, OPERATE, MAINTAIN, RENEW AND REMOVE PIPELINES IN, UNDER, ALONG AND ACROSS SICARD STREET BY SUBSTITUTING A NEW SECTION 3, PARAGRAPH 7 THEREIN, RELATING TO CONSIDERATION TO BE PAID FOR SAID FRANCHISE.

WHEREAS, said franchise requires that Grantee pay to The City of San Diego as consideration for said franchise two percent (2%) of the gross annual receipts derived from the use of the franchise; and

WHEREAS, the franchisee, The Atlantic Richfield Company, has used the pipeline exclusively for the transportation of its own products thus realizing no receipts upon which a reasonable franchise percentage can be paid; and

WHEREAS, recently adopted pipeline franchises and agreements have provided for a flat rate of return to the City rather than a percentage rate provided by this franchise; and

WHEREAS, a flat rate of \$75.00 per year for the use of said pipeline has been negotiated with The Atlantic Richfield Company, the only potential user of said pipeline; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That paragraph 7 of Section 3 of Ordinance

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No. 4019 (New Series), adopted by the Council of The City of San Diego on April 5, 1949, is hereby repealed.

Section 2. That the following be incorporated in Ordinance No. 4019 (New Series) as paragraph 7 of Section 3:

7. The Grantee of this franchise shall pay as a rental for that portion or those portions of the street exclusively occupied by said Grantee to the Treasurer of The City of San Diego, the sum of Seventy-Five Dollars (\$75.00) annually, payable in advance.

Any refusal or failure by said Grantee to pay said rent shall constitute a ground for forfeiture of said franchise and all rights granted thereby.

Section 3. This ordinance shall take effect and be in force on the thirty-first day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By 
Larry L. Marshall, Deputy

rb/1-31-72
Job: 7940 FE

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10798

MAY 1, 1978

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MAR 14 1972

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By *Judith A. Miller*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

FEB 29 1972

MAR 14 1972

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By *Judith A. Miller*, Deputy.

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1972 FEB 23 PM 12:28
SAN DIEGO, CALIF.

MICROFILMED

Office of the City Clerk, San Diego, California MAY 1 1978

Ordinance Number 10798 Adopted MAR 14 1972

ATTORNEY (S)

* CITY OF SAN DIEGO
202 "C" Street
Community Concourse
San Diego, California 92101

RECEIVED
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1972 MAR 30 PM 4:16
SAN DIEGO, CALIF.

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

FRANCHISE AND AUTHORITY TO LAY, CONSTRUCT,
OPERATE, MAINTAIN, RENEW AND REMOVE PIPELINES
IN, UNDER, ALONG AND ACROSS SICARD STREET

I, Patricia M. Applestill hereby certify that San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; that the

ORDINANCE NO. 10798 (NEW SERIES)

to a true and correct copy of which this certificate is annexed was published in said newspaper on

March 23, 1972

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

March 23, 1972

Patricia M. Applestill
(Signature)

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8 1/8"

\$ 34.18

ORDINANCE NO. 10798
(NEW SERIES)

AN ORDINANCE AMENDING ORDINANCE NO. 4019 (New Series) WHICH GRANTED TO THE RICHFIELD OIL CORPORATION (NOW THE ATLANTIC RICHFIELD COMPANY, FORMERLY THE ATLANTIC REFINING COMPANY, SUCCESSOR TO RICHFIELD OIL CORPORATION BY MERGER) AND TO ITS SUCCESSORS AND ASSIGNS A FRANCHISE AND AUTHORITY TO LAY, CONSTRUCT, OPERATE, MAINTAIN, RENEW AND REMOVE PIPELINES IN UNDER, ALONG AND ACROSS SICARD STREET BY SUBSTITUTING A NEW SECTION 8, PARAGRAPH 7 THEREIN, RELATING TO CONSIDERATION TO BE PAID FOR SAID FRANCHISE.

WHEREAS, said franchise requires that Grantee pay to The City of San Diego, as consideration for said franchise two percent (2%) of the gross annual receipts derived from the use of the franchise; and

WHEREAS, the franchisee, The Atlantic Richfield Company, has used the pipeline exclusively for the transportation of its own products thus realizing no receipts upon which a reasonable franchise percentage can be paid; and

WHEREAS, recently adopted pipe line franchises and agreements have provided for a flat rate of rental to City rather than a percentage as provided by this franchise; and

WHEREAS, a flat rate of \$75.00 per year for the use of said pipeline has been negotiated with The Atlantic Richfield Company, the only potential user of said pipeline; NOW THEREFORE

IT IS ORDAINED by the Council of the City of San Diego, as follows: Section 1. That paragraph 7 of Section 8 of Ordinance No. 4019 (New Series), adopted by the Council of the City of San Diego on April 3, 1972, be and the same is hereby repealed.

Section 2. That the following be incorporated in Ordinance No. 10798 (New Series) as paragraph 7 of Section 8:

The Grantee of this franchise shall pay as a rental for that portion of those portions of the street exclusively occupied by said Grantee to the Treasurer of the City of San Diego, the sum of Seventy-Five Dollars (\$75.00) annually, payable in advance.

Any refusal or failure by said Grantee to pay said rent shall constitute a ground for forfeiture of said franchise and all rights granted thereby.

Section 3. This ordinance shall take effect and be in force on the thirty-first day from and after its passage.

Passed and adopted by the Council of The City of San Diego on March 14, 1972, by the following vote:

YEAS: Johnson, O'Connor, Landt, Williams, Morrow, Martinet, Hitch, Bates, Wilson.

NAYS: None.

ABSENT: None.

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of
San Diego, California
EDWARD NIELSEN
City Clerk of The City of
San Diego, California
By JUDITH A. DILLON,
Deputy.

(Seal)
Published Mar 23, 1972 P. 527