

RESOLUTION NUMBER 2976

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF PERRIS, STATE OF CALIFORNIA, A RESOLUTION OF INTENT TO GRANT A FRANCHISE AND SETTING A DATE FOR PUBLIC HEARING

WHEREAS, this City Council has received from the McCanna Ranch Water Company, a corporation organized and existing under and by virtue of the laws of the State of California, and formed as a public utility corporation in transmitting and distributing water for all purposes to consumers in certain defined areas in the City of Perris, initially, the Villages of Avalon development (the "Franchise Territory"), an application, under and pursuant to the provisions of Division 3, Chapter 2 of the Public Utilities Code of the State of California, for a franchise, which said application states, in compliance with the provisions of Section 6231 thereof, that the purpose for which the franchise therein applied for is desired is to lay and use pipes and appurtenances for transmitting and distributing water for any and all purposes under, along, across or upon the public streets, ways, alleys and places, as the same now or may hereinafter exist within the Franchise Territory; and that the term for which the franchise therein applied for is forty (40) years, and

WHEREAS, said application further states that the applicant, if granted the franchise therein applied for, will pay to the City of Perris, during the life of such franchise, two percent (2%) of the gross annual receipts of applicant arising from the use, operation or possession of said franchise; provided, however, that such payment shall in no event be less than one percent (1%) of the gross annual receipts of applicant derived from the sale of water within the limits of the Franchise Territory, under said water franchise.

NOW, THEREFORE, BE IT RESOLVED that this City Council under and pursuant to the provisions of Section 6232 of the Public Utilities Code of the State of California, does hereby declare its intention to grant to McCanna Ranch Water Company the franchise so applied for; and September 10, 2002, at 6:00 p.m., at the place where this City Council usually meets, is hereby fixed as the day, hour and place when and where all persons having any objection to the granting of such franchise may appear before this City Council and be heard thereon, (the time so fixed for such hearing being not less than twenty (20) nor more than sixty (60) days after the date of the passage of this resolution); and

BE IT FURTHER RESOLVED that the Clerk of this City Council is hereby directed to publish a notice at least once within fifteen (15) days after the passage of this resolution, in a newspaper of general circulation within the City of Perris, in the words and figures as follows, to wit:

“NOTICE OF INTENTION TO GRANT WATER FRANCHISE
TO WHOM IT MAY CONCERN:

Notice is hereby given by the City Council of the City of Perris that it intends to grant, under and pursuant to Division 3, Chapter 2 of the Public Utilities Code of the State of California, known as the Franchise Act of 1937, to McCanna Ranch Water Company, a corporation, a franchise to lay and use pipes and appurtenances for transmitting and distributing water for any and all purposes under, along, across or upon the public streets as the same now or may hereafter exist within a defined Franchise Territory in the City of Perris, initially, the Villages of Avalon development. September 10, 2002, at 6:00 p.m., at the place where this City Council usually meets, is hereby fixed as the day, hour and place when and where any and all persons having any objection to the granting of said franchise may appear before this City Council and be heard thereon. At any time not later than the hour so set for the hearing of objections, any person interested may make written protest, stating objections against the granting of such franchise. Such protest must be signed by the protestant and be delivered to the Clerk of this City Council.

The term for which said franchise is proposed to be granted is determinate.

The grantee of said franchise, and its successors and assigns, will, during the life of said franchise, pay to the City of Perris two percent (2%) of the gross annual receipts of the grantee and its successors and assigns arising from the use, operation or possession of said franchise; provided, however, that such payment shall in no event be less than one percent (1%) of the gross annual receipts of the grantee, its successors and assigns, derived from the sale of water within the limits of the Franchise Territory in the City of Perris under said water franchise. Said percentage will be paid annually from the date of the granting of said franchise, and in the event such payment shall not be made, said franchise will be forfeited.

Dated July 30, 2002.

I hereby certify that the resolution for foregoing “Notice of Intention to Grant Water Franchise” was passed by the City Council of the City of Perris at a regular meeting of the City Council duly held on July 30, 2002.

City Clerk of the City
of the City of Perris”

ADOPTED, SIGNED and **APPROVED** this 30th day of July, 2002.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Margaret Rey

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Margaret Rey, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 2976 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 30th day of July, 2002, and that it was so adopted by the following called vote:

AYES: Rogers, Yarbrough, Landers, Motte, Busch
NOES:
ABSENT:
ABSTAIN:

City Clerk, Margaret Rey