

Ordinance No. 76.

Entitled an Ordinance granting to the Aurora Electric Company, its Successors and assigns, the right and privilege to erect in, over and upon the streets, alleys, parks and other public places, and public grounds and property of the City of Canby, poles and wires for the transmission of Electric Currents for all purposes for which electric Currents may be used, or to which the same may be adapted, and to place and to install in connection therewith all manner of Electrical apparatus, devices, Machinery and fixtures, and to transmit electric Currents in, upon, over and by means thereof, for all purposes for which the same may be adapted, and to conduct, and to carry on the business of generating, selling and furnishing for hire, light and power for all purposes, and also the business of transmitting and receiving messages by telephone in the said City of Canby, and to fix, charge and collect rents, rates and tolls, for lights furnished or sold, power furnished or sold, telephones or other instruments furnished, rented or supplied, and for messages sent or received, and to transact at the said City of Canby, any and all other business to which electrical currents or electrical power may be adapted, or for which the same may be used.

Canby does Ordain as follows:

Sec. 1. Aurora Electric Company, a Corporation organized under the Laws of the State of Oregon, its successors and assigns, are hereby granted the right and privilege, and are hereby authorized and allowed to erect in, upon, and over the streets, alleys, parks and other public places, and park grounds and property of the City of Canby, poles and wires for the transmission of Electric currents for all purposes for which Electric current may be used, or for which the same may be adapted, and to place, and to install in connection therewith, all manner of Electrical apparatus, devices, and machinery and fixtures, and to maintain, use and operate said poles, wires, Electrical apparatus, devices, machinery and fixtures,

and to transmit electric currents in, upon, over and by means thereof, for all purposes for which the same may be adapted; and also the right and privilege, to conduct and to carry on the business of generating, selling, and furnishing for hire, light and power for all purposes, and also the business of transmitting messages by Telephone in the said City of Canby; and the right and privilege to fix, charge and to collect rents, rates and tolls for lights furnished or sold, for power furnished or sold, for telephone instruments furnished, rented or supplied, and messages sent or received;

Sec. 2, Said Aurora Electric Company, its successors, and assigns, in the exercise of the rights and privileges above granted, shall so erect its poles, stretch its wires, and install its electrical apparatus, devices, machinery and fixtures, so as not to interfere with the free and unobstructed use of the streets for travel, and shall erect its poles, at such reasonable points in the streets and on the sidewalks, and place its wires, apparatus, devices, machinery and fixtures at such places, and at such reasonable heights above the streets and alleys as may be designated by the City of Canby, and the rights and privileges hereby granted are subject to reasonable modifications, limitations and changes by the City of Canby, but not so as to interfere, or prevent the said Aurora Electric company, its successors and assigns, from erecting its poles and wires, placing and installing its electrical apparatus, devices, and machinery and fixtures, and carrying on its business in and through the City of Canby,

Sec. 3, Whenever it shall become necessary in the erection, repair or maintenance of said poles, wires, electrical apparatus, machinery, devices, and fixtures for the Aurora Electric Company its successors and assigns, to dig into, or in any manner interfere with any public street, alley, park, ground, or any other public property, said Aurora Electric Company, its successors and assigns, shall with reasonable diligence, and without delay, put the street, alley, park, public place or grounds, or property, in as good condition as it was before it was broken up, disturbed, or

interfered with, and shall remove all surplus sand, earth, stone or rubbish, or other material from the same, which may have been placed there by or through said Aurora Electric Company.

Sec. 4. Whenever the City of Canby shall desire any reasonable modification, or changes in the placing of the electrical apparatus, devices, or fixtures, so that they will not interfere with the free and unobstructed use of the streets and walks, for travel they shall notify the Aurora Electric Company its successors ~~and~~ assigns, of the change desired and if said notice is not complied with within 30 days, the City of Canby shall have the right to make said modifications and changes, and charge the expense so incurred, to the Aurora Electric Company, its successors ~~and~~ assigns, but due care must be taken not to interfere with the regular lighting service of said Aurora Electric Company.

Sec. 5. It shall be unlawful for any person not in the employ of, or acting under the direction of the Aurora Electric Company, or of the City of Canby, to displace, molest, disturb, break down, remove, hack, destroy, or otherwise injure or interfere with any pole, support, wire, conductor, electric lamp, and other devices apparatus and appliances used by the said Aurora Electric Company, its successors and assigns, and any property and plant placed, erected, maintained or operated under the permission of this ordinance within the corporate limits of the City of Canby, and any person or persons violating the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof before the Recorder of Canby shall be punished by a fine of not less than Five (\$5.00) dollars, nor more

than Fifty (\$50.00) dollars, for each offense, and in default of the payment of such, shall be imprisoned in the City Jail, one day for each Two dollars of such fine.

Sec. 6. The rights and privileges hereby conferred shall expire at the end of Fifteen (15) years, from the date of the approval of this Ordinance.

Sec. 7. The Aurora Electric Company, its successors and assigns, by reason and in consideration of the rights and privileges herein before set forth, and to be granted agree to and with the City of Canby, and the legal representatives, that said Aurora Electric Company, its successors and assigns, will during the term of this franchise, furnish to the City of Canby for use in the City Hall, Electric lights to the value of three dollars per month, and to amount to thirty six dollars per year, during the life of said franchise, said City of Canby to put in and install a Light-Metre, so said lights can be measured.

Sec. 8. The Aurora Electric Company, its successors and assigns shall file its or their acceptance of the conditions of this Ordinance within ten days of the approval of this Ordinance, and shall begin work in pursuance thereof within three months from the date of the approval hereof.

Passed Council this 5th day of November 1906
Chas N Wait

Recorder
Approved this 5th day of November 1906
V. L. Mack
Mayor

Assignment - of this franchise made to The Molalla Electric Company Nov. 1, 1913. Filed Nov. 14, '13
(for assignment see next page (58)) C. F. Romig.

Assignment - by the Aurora Electric Co.
to the Molalla Electric Co.

Know All men by these presents, That for and in consideration of the sum of One (\$1.00) Dollar, and other valuable consideration, to be paid, receipt of which is hereby acknowledged, The Aurora Electric Company, an Oregon Corporation, does hereby sell, transfer and assign to The Molalla Electric Company, an Oregon Corporation, all of

the rights, privileges, franchises and immunities, granted to it, its successors and assigns, by Ordinance No. 76, of the Ordinances of the City of Canby, Oregon, which Ordinance was passed by the Common Council of the City of Canby, Oregon, November 5th, 1906, and approved November 5th, 1906. Said ordinance being by this reference, made a part of this assignment as fully and completely as if copied herein at length.

TO HAVE AND TO HOLD the same unto the said Molalla Electric Company, its successors and assigns forever.

And the said Aurora Electric Company, for itself, its successors and assigns, does hereby covenant to and with the said Molalla Electric Company, its successors and assigns, that said rights, privileges, franchises and immunities, are owned by it; and that it has good right to sell, transfer and assign the same, and that said rights, privileges, franchises and immunities are free from all incumbrances, except such as are contained in the Ordinance itself; and that it will warrant and defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Aurora Electric Company, has caused this instrument to be executed by its proper corporate officers, and its corporate seal to be hereto affixed, this 1st, day of November, A. D. 1913.

Aurora Electric Company

By J. B. Hurst President,

Aurora Electric Company

Witness:

Webb -----

A. E. Clark

(SEAL) By W. S. Hurst Secretary
of

(Corporation)

STATE OF OREGON)
: ss.
County of Clackamas

Be It Remembered, that on this 1st, day of November A.D. 1913, personally appeared before me, J. B. Hurst and W. S. Hurst and each of said parties being first duly sworn, the said J. B. Hurst did say, that he is the President of the Aurora Electric Company; and he, the said W. S. Hurst did say that he is the Secretary of the Aurora Electric Company. And both of parties severally acknowledged to me that they executed the foregoing instrument for and on behalf of said Corporation, and that said instrument is the free and voluntary act of said Corporation; and that said instrument was executed for the purpose therein expressed, pursuant to due authority of the Board of Directors; and the said W. S. Hurst Secretary as aforesaid, did then swear that the corporate seal attached to said instrument, was the corporate seal of said Corporation.

In Witness Whereof, I have hereunto set my hand and affixed my Notary Seal, the day and year first above, in this, my certificate, written.

Alfred E. Clark

(Notary Seal)

Notary Public for the State of Oregon

Filed this 14th day of Nov. 1913.

Recorded this 15th day of Nov. 1913.