

ORDINANCE NO. 301

AN ORDINANCE OF THE CITY OF CANBY, OREGON, GRANTING UNTO THE PORTLAND GENERAL ELECTRIC COMPANY THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE AN ELECTRICAL TRANSMISSION LINE IN, OVER AND UPON CERTAIN STREETS AND PUBLIC WAYS OF THE SAID CITY OF CANBY, AND REPEALING ORDINANCE NO. 229(26).

The City of Canby does ordain:

Section 1. Unto the Portland General Electric Company, a corporation of Oregon, and unto its successors and assigns, is hereby granted the right and privilege to construct, maintain and operate an electrical transmission line, together with the necessary poles, cross arms, wires, anchors and other appurtenances, in, upon and over the public streets and highways of the City of Canby, Oregon, upon a location described as follows, to-wit:

From the easterly city limits of the City of Canby westerly, following the southerly side of the Pacific Highway to the easterly side of Molalla Road; thence following the easterly side of Molalla Road to the southerly side of Poplar Street; thence following the southerly side of Poplar Street to the easterly side of (unnamed) street, 200 feet, more or less, easterly of Weed Street; thence following the easterly side of said (unnamed) street to a point 250 feet, more or less, southerly of the southerly side line of Poplar Street; Also, beginning at a point in the easterly side line of Weed Street at a point 180 feet, more or less, southerly of the southerly side line of Poplar Street; thence westerly following the northerly side of Knight Street to an intersection with the Pacific Highway, at the northwest corner of the property of Union School District No. 1; thence along the southerly side of the old Pacific Highway right of way to its intersection with the present Pacific Highway right of way crossing same and continuing along the northerly side thereof to southerly city limits; Also from the easterly city limits of the City of Canby west along the north side of Canby Beaver Creek Road to the easterly side of Molalla Road; thence northerly along the easterly side of Molalla Road to south side of Poplar Street as shown in red on print of drawing EB 1667; also along north side of Mundorf School Road as shown in red on print marked Exhibit "B" attached hereto and for purposes of this description made a part hereof.

Section 2. The said electrical transmission line shall be located, constructed, extended, relocated and reconstructed subject to the approval of the City Engineer of said City of Canby.

Section 3. The Grantee hereunder will save and hold harmless the said City, its officers, agents or employees, from any injury to persons or damage to property arising or growing out of the negligent construction, maintenance or operation by the Grantee of said electrical transmission line.

Section 4. This franchise is granted on the express condition that the Grantee will not, except with the permission from the Council of said City, serve any customers within said City of Canby with any electrical energy from said transmission line.

Section 5. This franchise is granted upon the express condition that the Grantee herein will enter into a contract and agreement granting to the City of Canby the right to place certain cross arms upon certain transmission line poles erected and maintained under the terms of this franchise ordinance.

Section 6. This ordinance and all its terms, conditions and provisions, shall be in force and effect for a period of twenty (20) years from and after the date of filing of acceptance hereof, as hereinafter provided.

Section 7. Ordinance No. 229(26) of the City of Canby, passed by the Common Council of the City of Canby, Oregon, on the 6th day of February, 1928, and all the terms and provisions of said Ordinance, are hereby repealed.

Section 8. This franchise shall be in force and effect on and after the filing by the Grantee with the City Clerk of said City of Canby of its unconditional acceptance hereof.

WITNESS the final passage hereof by the Common Council of the City of Canby, Oregon, this 5th day of December, 1938.

Approved.

J. R. Vinyard

Mayor

Attest:

Roy L. Mangus

Recorder