

An Ordinance granting to Geo.A.Robinson a franchise for a railroad to be operated by electricity, gasoline or other motive power than steam, upon and over certain streets and avenues in the City of Warrenton, Clatsop County, Oregon;

The City of Warrenton does ordain as follows:-

Sec.1. That there be, and hereby is, granted to Geo.A.Robinson, his heirs and assigns, the right, for a period of Thirty (30) years from the date of the acceptance of this franchise, as hereinafter provided, to construct, maintain and operate a single or double track railway, together with the necessary switches, turnouts, curves, connections, cross-overs, wyes, and side-tracks into nearby property, necessary or convenient to permit the convenient and expeditious operation of cars upon, over, across and along Willow Street, Sixth Street, Laurel Avenue, Pine Avenue, Alder Avenue, Fifth Street, Chestnut Street and Fourth Street in Smith's Warrenton, upon the following line, to-wit:- Beginning at or near the southwest corner of Lot Three (3) of Block "F" in said Warrenton, and running thence to a point in the east boundary line of Block Six (6) of said Warrenton, at or near the southeast corner of Lot Four (4) in said last named block, with a slight curve to the left on lots Five (5) and Six (6) of Block eleven (11), and thence on a fifteen degree curve to the right, to the center of said Fourth Street, thence on said Fourth street to the east boundary of said Smith's Warrenton; thence east on Fourth Street, in Warrenton, to Skipanon Creek; thence across Skipanon Creek, thence following the east bank of said Skipanon Creek as near as practicable, to the beginning or west end of Everett Avenue in East Warrenton; thence east on Everett Avenue to Seventh Street in Warrenton Park; thence East on said Seventh street to Holbrook Slough in Merriweather Addition, thence east on Second street to the City limits on the east. Also, from the crossing of Skipanon Creek, above mentioned, following the east bank of said creek, as near as practicable, to the center of Morton Street thence along Morton street to Portland Avenue, ~~thence following the dyke at about fifty feet distance, north to the Columbia river.~~ Also from the intersection of Walnut Avenue and Fourth street, north on Walnut Avenue to the Columbia river, and from the intersection of Walnut avenue and the County Road running parallel with the Spokane, Portland and Seattle Railroad, north on said road to the City limits, and to operate cars upon and over said railway tracks for the

transportation of passengers and freight, *that not less than four regular trips from one end of the line to the other end so far as the rails are laid within the City of Warrenton shall be made by cars of the grantee*
Sec.2. The grantee may operate and propel cars upon and over the tracks

constructed under authority of this grant by means of over-head or under-ground electric power, storage batteries, compressed air, cables or gasoline power and may at any time change the motive power or the mode of operating *provided however that the power shall at all times be restricted to the kind of power heretofore specified in this section.*
of propelling its cars. And, for the purpose of carrying and conveying electric currents from one point to another for use in operating said rail-
way, the grantee may put up, erect, maintain and use along, upon and over, and may put down, construct, maintain and use, in, through and under said streets and avenues, poles and over-head wires, under-ground slots and conduits, and under-ground wires and cables.

Sec.3. The track or tracks which may be laid down and constructed pursuant to the rights hereby granted shall be of standard gauge, and all rails shall be so laid that, as near as practicable, the tops thereof shall be flush with the surface of the actual grade of the street in all cases where streets *or in the case of streets not graded by the city the tops of the rails shall not be laid higher than the grade of such street as it is now or may be established have been graded and accepted by the city, and so as to interfere as little*

as may be with the use of the street for vehicle traffic. At all points where necessary to permit the free flow of water, the grantee shall maintain suitable culverts and drains under its tracks. The grantee shall keep in a state of repair, equally as good as the remainder of the street along and over which its railway is constructed, the whole width of the track between the rails, *and also* between tracks in case of double tracks, and for the space of one foot on the outside of each outermost rail. Rails shall be so laid as not to interfere with water, sewer, gas and other pipes and conduits, and so as to admit of the construction and maintenance of any pavement that may be laid by proper municipal authority, and shall be so maintained; and whenever the city shall cause to be laid a permanent pavement upon said street, the grantee shall, at his own expense, pave the portion of the street between the rails of each track *and also* between the tracks in case of double tracks, and for one foot on

the outside of the outermost rail, in the same manner as the street shall be *he may, by permission of the Common Council of said city, first had and obtained by ordinance, improve such portion of streets as he is required to build or maintain*

~~approved by a resolution of the city council, and shall keep the same~~
in repair.

Sec.4. All poles erected under this franchise shall be neat and regular in

erect, twenty-four hours for the carriage of passengers during business hours by the City of Warrenton. must not obstruct the view of such street

form and of reasonable height and dimensions, and shall, unless otherwise permitted by resolution of the city council, be placed just inside the curb. All poles shall be so located as to ^{not} interfere as little as may be with travel, and shall be painted, and the city council may require such poles to be repainted at reasonable intervals, but not oftener than once in two years. The city council may require the grantee to fasten to electric light or telephone poles erected or maintained by the city upon said street, its supporting wires, and may require the removal by the grantee of any poles not reasonably necessary or convenient for the conduct of its business.

Sec. 5. During the construction, relaying, repair or reconstruction of its tracks laid and maintained under this franchise, the grantee shall not obstruct said street for any length of time greater than may be reasonably necessary. Nothing in this ordinance of grant shall be construed to prevent the municipal authorities of the City of Warrenton from grading, paving, planking, macadamizing, improving, altering or repairing said streets, or any part thereof; but all such work shall be done so as to afford as little obstruction or hinderance as may be to the passage of cars and the operation of said railway; and the grantee shall have the privilege of raising or shifting its track or tracks so as to avoid, as far as may be, obstructions or hinderances to the operation of its cars, during the progress of any such work.

Sec. 6. The track of said railway, if a single track, shall be laid in the center of said street, and if a double track is laid, ~~one of said tracks shall be laid on each side of the center of said street.~~ *each of said tracks shall be laid equi-distant from the center of each street*

Sec. 7. Said railway shall be operated continuously and the fare or charge for a single passenger for one continuous ride over said railway in one direction between any two points within the City of Warrenton, shall not exceed five cents and the grantee shall pay to the City of Warrenton an annual license fee of One Hundred Dollars (\$100.00).

Sec. 8. This grant is made upon the following conditions subsequent, a breach of any one of which shall be ground for forfeiture; but no such forfeiture shall be effective unless and until specifically declared by an effective and duly declared and recorded ordinance of the city; and no breach of any such condition shall be ground of forfeiture, or any declaration thereof, unless and until it shall have continued for a period of thirty (30) days after receipt by the

grantee of a written notice thereof, specifying the breach and given under the authority of an effective and duly recorded ordinance of the city, that is to say;-

a. Within sixty days after this ordinance becomes effective, the grantee shall file in the office of the Auditor and Police Judge of the City of Warrenton, his acceptance of this ordinance and the grant hereby made.

b. The grantee shall indemnify and hold harmless the City of Warrenton from all claims and demands against it established by a final judgment of a court of competent jurisdiction and arising out of the adoption of this ordinance, or out of anything done by virtue hereof.

c. The grantee shall commence the construction of said railway within ninety (90) days from the date of his acceptance of this grant, and shall complete the construction thereof, ~~and extend the same~~ from the City of Warrenton to the City of Seaside, in Clatsop County, Oregon, within one year from the date of such commencement, and shall have cars in operation thereon at the time of such completion, and shall operate said cars continuously as provided ^{heretofore} ~~in~~ ^{for} ~~in~~ this ordinance. ^{Commencement of construction shall} ~~be deemed the commencement of~~ ^{grading for such line of railway.}

d. The grantee shall file with the City of Warrenton, at the time of the acceptance of this franchise, a bond in the sum of Two Hundred and Fifty Dollars (\$250.00) ^{with sureties to be approved of by the Mayor of the said City} which said bond, together with this franchise, shall be subject to forfeiture should the grantee fail to have the railway completed in the time specified in paragraph "c" of this section.

Sec. 9. The word "grantee", wherever used herein, shall be taken and understood to mean the owner, for the time being, of the franchises and rights hereby granted.

Sec 10 ~~No assignment or transfer of this franchise shall be effective until a statement of such assignment, signed by both the assignor and assignee of such franchise has been filed with the Auditor and Police Judge of the City of Warrenton, and such assignment shall set forth the time when such assignment or transfer takes place~~

~~XXXXX~~: attest.

John Evenden

Auditor and Police Judge.

Passed the Common Council. July 2nd 1912
approved. July 2nd 1912

G. A. Moore
Mayor