

Special
Ordinance Bill No 103

Ordinance No 99

A BILL FOR

AN ORDINANCE granting to the Albany & Interurban Railway Co., its successors and assigns, the right, privilege and franchise to lay down, construct, maintain and operate a system of single track railway with convenient switches, turn-outs, curves, connections and turn tables, and for the purpose of operating said railway and conveying power and electric current for its use, to put up, erect, maintain and use poles and overhead trolley wires and other wires, and to lay, construct, maintain and use under-currents, slots, conduits, underground wires, conductors and cables, in, over and upon the following streets within the City of Lebanon, Oregon, to-wit:— Beginning at the North end of Second Street in Wassom's Addition to the City of Lebanon, in Linn County, Oregon, and running thence South to the center line of said Second Street to a point in the center of said street at the Southwest corner of the tract of land known as the Santiam Academy Grounds, thence East on the street adjacent to the South line of said Santiam Academy Grounds to the center line of Second Street in said City; if extended North, thence South on said line and on said Second Street to the South end thereof, in the City of Lebanon, in Linn County, Oregon.

THE CITY OF LEBANON DOES ORDAIN AS FOLLOWS:

SECTION 1. That there be and hereby is granted unto the Albany & Interurban Railway Co., a corporation of Albany, Oregon, its successors and assigns, the franchise, right and privilege to lay down, construct, maintain and operate lines of railway and a system of single track railway with convenient switches, turn-outs, curves, connections, and turn-tables, and for the purpose of operating said railway and conveying power and electric current for its use, to put up, erect, maintain and use poles and overhead trolley wires, and other wires, and to lay down, construct, maintain and use underground slots and conduits and underground wires, conductors and cables, in, over, along and upon the following streets, and portions of streets, within the said City of Lebanon, Oregon, to-wit:— Beginning at the North end of Second Street in Wassom's Addition to the City of Lebanon in Linn County, Oregon and running thence South on the center line of said Second Street to a point in the center of said street at the Southwest corner of the tract of land known as the Santiam Academy Grounds, thence East on the street adjacent to the South line of said Santiam Academy Grounds to the center line of Second Street in said City; if extended North, thence South on said line and on said Second Street to the South end thereof in the City of Lebanon, in Linn County, Oregon.

SECTION 2. The said Albany & Interurban Railway Co., its successors and assigns, may operate and propel cars over and upon the railway lines mentioned in Section 1 of this Ordinance by means of overhead or underground electric power, storage batteries, compressed air, cables, or other mechanical power, except steam, and may at any time change the motive power and mode of operating and propelling cars for any more improved, economical or desirable method, with the consent of the Council of said City of Lebanon, given by Ordinance duly passed.

SECTION 3. For the purpose of laying down, repairing and constructing the railway tracks authorized by this franchise, said Albany & Interurban Railway Co., its successors and assigns, shall not obstruct any street for a greater continuous distance than the length of five (5) blocks, at any time, or for a longer period than four (4) weeks at any time, except that in case of bad weather, strikes, or other causes beyond the control of the holders of this franchise, said time may be extended at the discretion of the Council of said City of Lebanon.

SECTION 4. The tops of the rails of said tracks shall be laid flush with the established grade of said streets, and the tracks, curves, and turn-outs shall be laid in such a manner as to least obstruct the public in the use of said streets, the rails used in said streets to be of weight not less than seventy pounds to the yard. The track shall be laid in the center of the street, except upon curves at the intersection of streets, and at such places as the Council may by ordinance permit. All poles that may be erected in the construction, maintenance and operation of said railway shall be placed along said streets so as to offer as little obstruction as possible to the passage of vehicles and pedestrians, and shall be placed at such points along said streets as shall be approved by the Street Superintendent of said City of Lebanon, or such officials as the Council of said City may appoint for that purpose, said poles to be approved by and placed under the supervision of the Street Superintendent or the City Council.

SECTION 5. The said Albany & Interurban Railway Co., its successors and assigns, shall fill in or grade

to the established grade, or the grade that may be hereafter established, and plank, pave repave, reconstruct, and repair crosswalks or sidewalks, and otherwise improve or repair and keep in good condition from time to time, whenever directed by the Council, and in such manner as the Council may direct, those portions of the street or streets and other public places along and over which the said railways shall hereafter be constructed, the whole width of said railway, and between the tracks, and for the width of one foot on the outside of the outermost rails; provided, that the holder of this franchise shall not be required to pave the tracks of said railway upon any street until the remainder of said street shall be ordered paved by said city.

SECTION 6. Nothing in this Ordinance, or any right, privilege or franchise granted by this ordinance shall be construed to prevent the municipal authorities of the City of Lebanon from sewerage, grading, paving, blanking, macadamizing, improving, altering or repairing any of the streets over which the railways authorized by this ordinance are constructed or operated; but all such work shall be done as to cause as little obstruction or hindrance as possible to the cars and the operation of said railways and the owner or owners of said railways shall have the privilege of raising or shifting the tracks so as to avoid as far as possible obstructing the operation of cars during the progress of the street improvement, sewerage, grading, paving, blanking, macadamizing, improving, altering or repairing.

SECTION 7. In the event that the said Albany & Interurban Railway Co., its successors and assigns, shall fail to construct and operate said railway upon any street or portion of street, the use of which is by this ordinance granted to the said Albany & Interurban Railway Co., its successors and assigns, for railway purposes, within two years from the date of the acceptance of this franchise, then this franchise as to such streets or portions of streets not so used and occupied hereunder shall be forfeited to the City of Lebanon, or in the event that the said Albany & Interurban Railway Co. shall fail to have in operation a railway line between the City of Albany and the City of Lebanon within two years from the date of the acceptance of this franchise, or such further time as may be granted by the Council, then this franchise shall be forfeited to the City of Lebanon.

SECTION 8. In the event that the said Albany & Interurban Railway Co., its successors and assigns, shall, during the life of this franchise, cease to operate said railway upon any street or portion of street, the use of which is by this franchise granted to the Albany & Interurban Railway Co., its successors and assigns, for railway purposes, for a continuous period of one year, then this franchise, as to such street or portion of street not so used and occupied hereunder, shall be forfeited to the City of Lebanon; and in such case, the holder of this franchise shall forthwith remove its or their tracks and other property from such street or portion of street, and, on removal thereof, shall restore and repair that portion of such street, which, under the terms of this franchise, is to be kept in repair by the holder of this franchise and place the same in good order and condition for public travel.

SECTION 9. The passenger cars used by the grantee of this franchise, its successors and assigns, upon the lines of railways authorized by this ordinance, shall be of good construction and suitable for the comfort, convenience and safety of passengers. The rate of speed of cars shall not exceed ten miles per hour upon the streets within the limits of the City of Lebanon, and no cars shall be allowed to stop or remain still upon the street crossing except to avoid accident. The maximum rate of the fare for the transportation of passengers for a continuous trip in one direction over said streets herein specifically named, within the corporate limits of the City of Lebanon as now or hereafter established, shall be the sum of five (5) cents.

SECTION 10. The rights, privileges and franchises herein granted terminate at the expiration of forty years from the date this ordinance becomes in force.

SECTION 11. The said Albany & Interurban Railway Co., its successors and assigns, shall, within thirty days after the approval of this ordinance by the Mayor of the City of Lebanon, file in the office of the Recorder of said city a written acceptance of all the terms, conditions and provisions of this ordinance and of the franchise herein granted.

SECTION 12. That in the event the said Albany & Interurban Railway Co., its successors and assigns,

shall fail to maintain said railway or passenger cars in first class condition and order, or shall refuse or fail to furnish efficient service in the supplying of cars for passengers and for the public use at any time during the said term of this franchise, according to the terms of this franchise, the City of Lebanon shall have the right, after the failure or refusal of the holder of this franchise for a period of thirty (30) days after due notice on the part of the City of such delinquency, to declare all rights and privileges herein granted forfeited, and upon said forfeiture this franchise shall become null and void, and the City Council of said City of Lebanon may require by resolution or ordinance all rails, ties, and other material belonging to the holder of said franchise in or upon said streets to be removed, and the streets to be placed in good order and condition for public travel.

SECTION 13. That the Albany & Interurban Railway Co., its successors and assigns, in consideration for said franchise, shall pay to the City of Lebanon an annual franchise license tax of One Hundred Dollars (\$100.00) per year, for a period of five years commencing with the sixth year after the granting of this franchise and the sum of Two Hundred Dollars (\$200.00) per year commencing with the eleventh year after the granting of this franchise, and for each and every year thereafter during the remainder of the said franchise period or fractional part thereof, which said payments shall be made during the month of January of each year when such payments are to be made, and, if said payments are not made as herein set forth, the City Council may by resolution or ordinance declare said franchise forfeited.

And the Albany & Interurban Railway Co., for itself, its successors and assigns, further agrees to pay to the City of Lebanon any loss or damage it, [the City of Lebanon] may suffer or sustain by reason of the construction or maintenance of said railway or the repairing or replacing of all or any of the said walks, crosswalks, bridges or pavements that may be disturbed in the course of construction, installation or repair of said railway, or any part of it.

SECTION 14. The right and power is hereby granted and the consent of the said City of Lebanon is hereby given to the above named grantee of this franchise to transfer and convey the franchise and privileges by this ordinance conferred upon it, its successors and assigns, to any person or firm, or any corporation now formed or hereafter to be formed for the purpose of constructing, [maintaining,] or operating a railway system according to the terms and conditions of this ordinance.

Passed by the Council this 15th day of November, 1910.

Approved by the Mayor this 21st day of November, 1910.

A. M. REEVES,
Mayor of the City of Lebanon.

Attest: J. R. GREEN,
Recorder of the City of Lebanon.