

ORDINANCE BILL NUMBER 3 , FOR 1928.

ORDINANCE NO. 374

A BILL

for an Ordinance granting to Linn County Logging and Lumber Railway, its successors and assigns, the right, privilege and franchise to build, construct, maintain and operate a standard gauge railroad together with poles and wires across, over and upon certain streets within the corporate limits of the City of Lebanon in Linn County, Oregon, and authorizing the erection, construction and maintenance of all equipment necessary or convenient for the operation thereof, and declaring an emergency.

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

Section 1. The authority, right, privilege and franchise is hereby granted, given and vested by the City of Lebanon, Oregon, in and to Linn County Logging and Lumber Railway, an Oregon corporation, its successors and assigns, to build, construct, lay down, operate, equip and maintain a single standard gauge railroad and railway tracks with the necessary switches, crossovers, turnouts, and turntables, and to operate cars and trains for transporting logs and other freight by steam, gas, electricity, or other motive power, along, over, upon and across the following named streets and public places in the City of Lebanon, Oregon, to-wit:

Beginning at a point on the North line of the City Limits of Lebanon, Linn County, Oregon, T. 12 S., R. 2 W. W. 1., at a distance of 1465 feet East from the Northwest Corner of said City Limits being station 729 plus 88.8 of the Railway center line survey;

running thence S. 33° 26' E. a distance of 828.9 feet to a point on the North line of Mary St. Wasson's Addition, at a distance of 158.6 feet West of the West line of Main Street and being at Station 738 plus 17.7 of the Railway Center line survey;

thence continuing on Tangent S. 33° 26' E. a distance of 72.1 feet to a point on the South line of said Mary Street being the North line of Block 2 in said Wasson's Addition and being at a distance of 118.5 feet West from the Northeast Corner of said Block 2 and at station 738 plus 89.8 of the Railway center line survey;

thence continuing on tangent S. 33° 26' E. a distance of 214.4 feet to a point on the East line of said Block 2, being the West line of Main Street,



and being at a distance of 178.4 feet South from the Northeast Corner and a distance of 21.6 feet North from the Southeast Corner of said Block 2;

thence continuing on tangent S.  $33^{\circ} 26'$  E. a distance of 61.6 feet to a point on the center line of the Industrial Spur R.R. track on the center line of Olive St. to the Crown Willamette Paper Mill, the angle of crossing being  $56^{\circ} 26'$  to the left;

thence continuing on tangent S.  $33^{\circ} 26'$  E. a distance of 46.8 feet to a point on the East line of Main Street being station 742 plus 12.6 of the Railway center line survey;

thence continuing on tangent S.  $33^{\circ} 26'$  E. a distance of 268.2 feet to a point on the West line of the Santiam Highway being at station 744 plus 80.8 of the Railway center line survey, at a distance of 223.8 feet North from the North line of Main Street;

thence continuing on tangent S.  $33^{\circ} 26'$  E. a distance of 59.6 feet to a point of spiral, being station 745 plus 40.4 of the railway center line survey, and from which the N.E. Corner of the D.L.C. of Jeremiah Ralston bears S.  $3^{\circ} 10'$  E. a distance of 531.8 feet;

thence along an American Railway Engineering Association Spiral to the left a distance of 49.4 feet to a point on the East line of the Santiam Highway at a distance of 133.7 feet North from the North line of Wheeler Street;

thence continuing along said spiral through a total central angle of  $8^{\circ} 00'$  a distance of 150.6 feet to a point of curve being station 747 plus 40.4 of the Railway center line survey;

thence along an  $8^{\circ}$  curve to the left a distance of 18.7 feet to a point on the North line of Wheeler Street at a distance of 102.0 feet East from the East line of the Santiam Highway;

thence continuing along said  $8^{\circ}$  curve a distance of 86.0 feet to a point on the South line of said Wheeler Street, being on the North line of Block 1 in Kirkpatrick's Second Addition, at a distance of 163.6 feet East from the Northwest Corner of said Block 1;

thence continuing along said curve through a total central angle of  $8^{\circ} 55'$  a distance of 6.8 feet to a point of spiral being at station 748 plus 51.9 of the Railway center line survey and being in the alley of said Block 1;

thence along an A. R. E. A. Spiral to the left a distance of 2.8 feet to a point on the East line of said alley;

thence continuing along said spiral a distance of 193.7 feet to a point on the East line of said Block 1 at a distance of 115.6 feet South from the Northeast Corner of said Block and being at station 750 plus 48.4 of the Railway center line survey;

thence continuing along said spiral through a total central angle of  $8^{\circ} 00'$  a distance of 3.5 feet to a point of tangent being station 750 plus 51.9 of the Railway center line survey;



thence S.  $58^{\circ} 21'$  E. a distance of 67.1 feet to a point on the West line of Block 2 in Kirkpatrick's Second Addition at a distance of 152.9 feet South from the Northwest Corner of said Block 2;

thence continuing along tangent S.  $58^{\circ} 21'$  E. a distance of 186.8 feet to a point on the West line of the alley in said Block 2;

thence continuing along tangent S.  $58^{\circ} 21'$  E. a distance of 14.1 feet to a point on the East line of said alley;

thence continuing along tangent S.  $58^{\circ} 21'$  E. a distance of 186.6 feet to a point of spiral, being station 755 plus 06.5 of the Railway center line survey;

thence along an A. R. E. A. Spiral to the right a distance of 1.5 feet to a point on the East line of said Block 2, being also the West line of Grove Street, and being a distance of 55.3 feet North from the Southeast Corner of said Block 2 and at station 755 plus 08.0 of the Railway center line survey;

thence continuing along said spiral a distance of 73.0 feet to a point on the East line of said Grove Street being also the West line of Block 3 in said Kirkpatrick's Second Addition, being a distance of 17.7 feet North from the Southwest Corner of said Block 3 and being at station 755 plus 81.0 of the Railway center line survey;

thence continuing along said spiral a distance of 32.3 feet to a point on the South line of said Block 3 being also the North line of Dodge Street, and being a distance of 27.0 feet East from the Southwest Corner of said Block 3 and being at station 756 plus 13.3 of the Railway center line survey;

thence continuing along said spiral through a total central angle of  $8^{\circ} 00'$  a distance of 93.2 feet to a point of curve being station 757 plus 06.5 of the Railway center line survey;

thence along an  $8^{\circ}$  curve to the right a distance of 1.2 feet to a point on the South line of Dodge Street being also the North line of Block 4 in said Kirkpatrick's Second Addition and at a distance of 101.7 feet East from the Northwest Corner of said Block 4, and being at station 757 plus 07.7 of the Railway center line survey;

thence continuing along said curve a distance of 77.3 feet to a point on the West line of the alley of said Block 4;

thence continuing along said curve a distance of 18.0 feet to a point on the East line of said alley;

thence continuing along said curve a distance of 319.4 feet to a point on the South line of said Block 4 being also the North line of Carolina Street and at a distance of 3.9 feet West from the Southeast Corner of said Block 4, and being at station 761 plus 22.4 of the Railway center line survey;

thence continuing along said curve a distance of 61.9 feet to a point from which the Northeast Corner of Block 5 in said Kirkpatrick's Addition bears West a distance of 11.4 feet;

thence continuing along said curve through a total central angle of  $42^{\circ} 01'$  a distance of 47.4 feet to a point of spiral being at station 762 plus 31.7 of the Railway center line survey;



thence along an A. R. E. A. Spiral to the right through a central angle of  $80^{\circ} 00'$  a distance of 200 feet to a point of tangent being on the center line of Williams Street and being at station 764 plus 31.7 of the Railway center line survey;

thence S.  $0^{\circ} 20'$  E. along the center line of Williams Street a distance of 2659.6 feet to a point on the center line of the Southern Pacific R. R. on A Street, the angle of crossing being  $89^{\circ} 51'$  to the left;

thence S.  $0^{\circ} 12'$  E. along the center line of Williams Street and any extensions thereof, a distance of 2432.6 feet to a point on the South line of the City Limits of Lebanon and the end.

Description of the Center Line of the Linn County Logging and Lumber Railway Spur on Williams Street, Lebanon, Linn County, Oregon:

Beginning at a point on the center line of Williams Street, Lebanon, Linn County, Oregon, at a distance of 17.7 feet North from the North line of Isabella Street and being at station 764 plus 31.7 of the Railway center line survey;

running thence North to Wheeler Street along the center line of Williams Street and continued on any extensions thereof.

Description of the Center Line of the Linn County Logging and Lumber Railway Switch to the Industrial Spur R.R. Track to the Crown Willamette Paper Co. Mill at Lebanon, Oregon:

Beginning at a point on Mary Street in Wasson's Addition, Lebanon, Linn County, Oregon, at station 738 plus 58.4 of the Railway center line survey, being at a distance of 26.2 feet North and 135.8 feet West from the Northeast corner of Block 2 in said Wasson's Addition;

running thence along a  $10^{\circ}$  curve to the left a distance of 32.6 feet to a point on the South line of said Mary Street being the North line of said Block 2, and being a distance of 116.5 feet West from the Northeast corner of said Block 2;

thence continuing along said  $10^{\circ}$  curve a distance of 165.5 feet to a point on the West line of said Block 2, being also the West line of Main Street and at a distance of 83.4 feet North from the Southeast corner of said Block 2;

thence continuing along said  $10^{\circ}$  curve a distance of 71.5 feet to a point on the East line of Main Street;

thence continuing on said curve a distance of 109.0 feet to a point on the North line of Olive Street;

thence continuing along said curve a distance of 71.0 feet to the center line of the Santiam



Highway, the angle of crossing being  $70^{\circ} 30'$  to the right as measured from the tangents to each curve at the intersection of center lines;

thence continuing along said  $10^{\circ}$  curve through a total central angle of  $56^{\circ} 26'$  a distance of 114.7 feet to a point of tangent being on the center line of the Industrial Spur to the Crown Willamette Paper Co. Mill, being also on the center line of Olive Street, Lebanon, and the end.

Section 2. The grantee, its successors and assigns, is also hereby granted the right, privilege and franchise to construct, operate, equip and maintain telegraph, telephone and power lines following the route of the said railway tracks, and when occupying any street keeping inside the curb line so that the street shall not be unduly obstructed by any such lines. Subject to the restrictions herein contained the grantee, its successors and assigns, shall have the right to erect poles and other fixtures above the ground and to lay down and construct, operate, equip and maintain pipes, conduits or other protections, and other apparatus, as may be necessary or proper to operate the said railway tracks and business incidental thereto.

Section 3. It shall be lawful for the said grantee, its successors and assigns, to make all needful, reasonable and convenient excavations in, over and across the streets covered by this franchise for the purpose of laying down, equipping, constructing and maintaining the said railway tracks, telegraph, telephone and power lines, pipes, conduits and other protections, and apparatus, provided that whenever any streets shall be disturbed the same shall be restored to good condition as soon as practicable and without unnecessary delay.

Section 4: Nothing in this ordinance shall be construed to prevent the proper authorities of the City of Lebanon from sewerage, grading, blanking, paving, repaving, improving, repairing or altering any of said streets or public places, but all such work shall be done if possible so as not to disturb, injure or prevent the full operation of said railroad; and in



case said city shall grade, pave, plank or repair any street or streets covered by this franchise, the expense so incurred in improving the same between the rails and for a distance of one foot outside of the rails shall be wholly paid for by the said grantee, its successors and assigns.

Section 5. Where any street or streets have an established grade all rails shall be laid to conform to such grade so that the top of the rails shall be flush with the adjacent pavement or other surface laid in conformity with such grade, except that where it is necessary to cross existing railroad tracks the said rails may be raised above such established grade for sufficient distance on either side of said existing track or tracks to make an easy crossing at grade of said existing track or tracks. All crossings where streets are not paved shall be properly and substantially planked the full length of such crossings and maintained thereafter at the expense of and by the said grantee, its successors and assigns, under the supervision of the superintendent of streets of said City, so that such crossings shall at all times be safe to the traveling public.

Section 6. All rights, privileges and franchises herein granted shall continue and be in full force and effect for a period of twenty-five years after the date of filing the written acceptance hereof; provided that if the said grantee, its successors and assigns shall fail to commence and carry on actual construction of said railroad on or before July 1, 1928, or to complete the construction of said railroad between the City of Lebanon and Sweet Home, Oregon, on or before January 1, 1930, provided that if the application of the grantee for permission to construct said railroad, now pending before the Interstate Commerce Commission is delayed, due to ~~it~~ no fault of the grantee, then the time for commencing construction shall be extended until sixty days after such permission is granted or



refused, as the case may be and the time for completion thereof between Lebanon and Sweet Home shall be likewise extended for a corresponding length of time; or shall fail or neglect to file written acceptance of the provisions of this ordinance within thirty days after its passage and approval by the Mayor; then and in either such case the rights, privileges and franchises herein granted shall be of no force or effect, unless an extension of time is granted by ordinance and duly accepted as required by the terms thereof.

Section 7; The grantee, its successors and assigns, shall at its or their own expense establish, grade, construct and maintain in good repair so much of the streets over, across and along which said railroad shall run as lies between the rails and for a distance of one foot beyond the outside of the rails, and shall do and perform such work and make the improvements and repairs thereof in such manner and of such material as the Council of the City of Lebanon may provide or require.

Section 8. The City of Lebanon reserves the right always to lay, or cause or permit to be laid, constructed and maintained along, across and under any streets used and any tracks owned by the said grantee, its successors and assigns, in the said city, sewer pipes, water pipes, gas pipes, telephone, telegraph and electric light and power wires and all other wires or conduits for conducting or transmitting electricity; and the right to construct, erect and maintain over, across and along any streets used and any tracks owned by the said grantee, its successors and assigns, in the streets or public places of the said city, (at a suitable height above the rails of said tracks and right of way,) electric light, telephone and telegraph wires, and all other wires for conducting or transmitting electricity, the work to be done in such manner as not unnecessarily to interfere with the convenient use of such streets and public places for



all legitimate railroad purposes; and the further right to grant franchises for laying railroad tracks and street car tracks and operating cars thereon along, over, under and across all or any of said streets and/or tracks owned by the said grantee, its successors and assigns, under such restrictions as will not unreasonably interfere with the rights and privileges herein given and granted to the said grantee, its successors and assigns.

Section 9. No car or cars, trains or engines shall be permitted to stand on any street crossing so as to interfere with the free use of any street for travel or traffic for a longer period than ten minutes at any one time.

Section 10. The City hereby reserves the right, and the said grantee, its successors and assigns, concedes to the City the right at any time to open, lay out and establish other and additional streets over and across the tracks, and across the rights of way of the grantee, its successors or assigns, at such place or places as to the city may seem proper, within its corporate limits, without making any charge to the City therefor.

Section 11. If at any time during the terms of this franchise the said grantee, its successors and assigns, shall cease to operate trains over, across and upon the said railroad at reasonable intervals for a period of one year, or shall abandon said tracks or right of way for a like period of time, then the City may give sixty days' notice, and unless operation is resumed, the rights, privileges and franchises herein granted may be forfeited by City ordinance, and upon such forfeiture the said grantee, its successors and assigns, shall forthwith remove its tracks and other property from said streets, and on removal thereof shall at once repair such streets and restore the same to condition similar to the surface of the streets outside of the area of the tracks in the vicinity thereof, and in conformity with the paving of such streets; provided, that if the grantee, its



successors and assigns, shall fail to remove any tracks, or other property, when so required, then the City may cause the same to be removed at the expense of the owner of the tracks or other property.

Section 12. If the grantee, its successors and assigns, fails for a period of sixty days after notice to comply with the provisions of this ordinance as to street improvements or repairs, the City may cause a forfeiture of this franchise and all rights under this ordinance; provided, however, that the City may, on failure of the grantee, its successors and assigns, after having been given such previous notice to improve or repair the portion or portions of the streets as above set forth, make such repairs and improvements and assess the expense thereof against the said grantee, its successors and assigns, and cause such assessment to be properly docketed in the docket of City Liens and to be enforced in like manner and with like effect as a general tax upon real or personal property of the grantee after delinquency.

Section 13. If electric currents are used or employed in or about the use of the railroad, then the grantee, its successors and assigns, shall provide such appliances as will control and effectually contain the currents in proper channels so as to prevent injury to the pipes, wires and other property and structures belonging to the City or to any firm, person or corporation within the City, and to renew and keep in repair such appliances from time to time as may be necessary for the proper safety and protection of the property of others.

Section 14. The right, privileges and franchises hereby granted are made by, under and pursuant to the power and authority granted to and conferred upon the Council of the City of Lebanon by charter thereof, and shall be subject to the provisions, restrictions and requirements therein prescribed and set forth in so far as same shall be applicable to a railroad entering and passing



through said City, provided, however, that nothing herein contained shall be so construed as to conflict with the power and authority properly exercised by the Public Service Commission of Oregon. This ordinance shall be liberally construed in favor of the grantee, its successors and assigns, consistent with public safety and the repair and improvement of public streets and matters incident thereto.

Section 15. For the use of said streets over and across which the said railroad of the grantee shall pass, the said grantee shall pay to the said City annually in advance the sum of Ten Dollars during the term of this franchise.

Section 16. Nothing in this franchise contained shall be construed as a grant over and across any privately owned property.

Section 17. Whereas railroads building into a city promote general welfare and prosperity of the people of such city and contribute to, and are an inducement to the securing of additional industries therein, it is the judgment of the Council that special effort should be made to induce railroads to build into the City of Lebanon; and it is the judgment of the Council that an emergency exists and that this ordinance is necessary for the peace, health and safety of the City of Lebanon, and that this ordinance shall become immediately effective upon its proper passage, and approval by the Mayor.

Passed by the Council this 10 day of April, 1928.

Approved by the Mayor  
this 10 day of April, 1928.

Hugh B. Whitcraft Mayor.

Attest G. H. Wetman  
Recorder.



ACCEPTANCE OF FRANCHISE GRANTED BY  
CITY OF LEBANON.

TO THE HON. MAYOR AND COMMON COUNCIL OF LEBANON, LINN COUNTY, OREGON:

You are hereby notified that the Linn County Logging and Lumber Railway ~~Company~~ accepts the terms and provisions of that certain franchise Ordinance No. 374, passed by the Council on the 10th day of April, 1928, which said ordinance is entitled as follows:

"A Bill for an ordinance granting to Linn County Logging and Lumber Railway, its successors and assigns, the right, privilege and franchise to build, construct, maintain and operate a standard guage railroad together with poles and wires across, over and upon certain streets within the corporate limits of the City of Lebanon in Linn County, Oregon, and authorizing the erection, construction and maintenance of all equipment necessary or convenient for the operation thereof, and declaring an emergency".

and the acceptance thereof is unqualified.

Dated this 16th day of April, 1928.

LINN COUNTY LOGGING AND LUMBER RAILWAY

By R. A. Briggs  
Construction Engineer.