

ORDINANCE BILL NO. 6 for 1929.

ORDINANCE NO. 390.

AN ORDINANCE AUTHORIZING AND PERMITTING Frank Gleason, his successors and assigns, to lay railway tracks, and to run engines and cars over the same within the City of Lebanon, Oregon and across "A" street in said City.

THE PEOPLE OF THE CITY OF LEBANON do ordain as follows:

SECTION 1. Frank Gleason, his successors and assigns are hereby authorized and permitted to lay a railway track, and run engines and cars over and upon the same, across "A" Street between Third and Fourth Streets in the City of Lebanon, Oregon, extending in a southerly direction from the South end of the present Spur, known as the South Santiam Lumber Co. Spur, which said spur was authorized by Ordinance No. 256 of said City of Lebanon.

SECTION 2. The said Frank Gleason shall, at his own expense, grade to the established street grade, construct and retain in good repair, the said street over and across which the said railway track shall run, to at least one foot beyond the end of the ties upon each side of the track, and shall keep in good repair the space between the rails for the full width of the roadway of said street, and do such work and improvements and repairs thereto in such manner and with such materials as the Council of the City of Lebanon, may at any time provide or require, the same to be of similar kind of improvement as the remainder of the street in that vicinity, except that between the rails the same may be planked unless the street shall be paved, in which event the said portion of the street to be kept in repair by the said Frank Gleason, his heirs or assigns, shall likewise be paved.

SECTION 3. When any portion of said street shall be torn up by the said Frank Gleason, his successors or assigns for the purpose of laying said track, the same shall be put back in as good condition as it was before being disturbed and as speedily as possible.

SECTION 4. The said track shall conform to the established street grade where it shall cross said street.

SECTION 5. No trains, engines or cars shall be permitted to stand on said track at said crossing of said street so as to interfere with the free use of said street crossing for travel for a longer period than minutes at any one time.

SECTION 6. The said City hereby reserves the right to cross said track at any place with water^{or sewer}/pipes, or electric light or telephone wires, either above or under the said track, provided the same shall be so laid or constructed as not to interfere with the free use of said track for railway purposes.

SECTION 7. Written acceptance of the terms of this ordinance shall be filed by the said Frank Gleason with the City Recorder within thirty days after its passage as required by Charter.

SECTION 8. In addition to the maintenance of said crossing as provided in Section 2 of this ordinance the said Frank Gleason, his heirs and assigns, shall pay annually to the City of Lebanon for this franchise the sum of \$_____ payable on filing the acceptance of this ordinance and on the 1st day of January each year thereafter during the term of the franchise herein granted.

SECTION 9. The duration of the franchise herein granted shall be unlimited.

Section 10. Should the said grantee, his heirs, repre_

representatives or assigns abandon said part of said street or cease, for a period of one year to use the same, then this franchise shall be forfeited and the said grantee, his heirs, representatives or assigns shall forthwith remove its said track from said street and immediately repair the said street in like condition as the remainder of said street in the immediate vicinity of said crossing.

SECTION 11. Failure on the part of the grantee, his heirs, or assigns to comply, within a reasonable time, with any of the provisions or conditions of this franchise, shall authorize the City to declare an immediate forfeiture of this franchise.

SECTION 12. If electric currents are used or employed in or about the use of this franchise or the plant connected therewith, then the grantee, his heirs, representatives or assigns shall provide and put in use such means and appliances as will effectually control and contain such currents in their proper channels, and in his, its, or their own wires, tracks or structures, so as to prevent injury to the property, pipes, wires and other property or structures belonging to the City of Lebanon, or to any other person, firm or corporation within the city, and to keep the same in repair, and renew the same from time to time as may be necessary for the safety of the public generally.

Passed by the Council this 2nd day of July 1929.

H. B. Willpatrick
Mayor.

Attest _____
Recorder.