

*Ord Bill # 10*

ORDINANCE NO. 411

AN ORDINANCE GRANTING UNTO THE MOUNTAIN STATES POWER COMPANY, A DELAWARE CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND FRANCHISE TO ERECT, CONSTRUCT, MAINTAIN AND OPERATE A SYSTEM OF WATER WORKS IN THE CITY OF LEBANON, LINN COUNTY, OREGON.

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

Section 1. That there be and there is hereby given and granted unto the Mountain States Power Company, a Delaware corporation, its successors and assigns, the right and franchise to erect, construct, maintain and operate in, and upon and along the streets and alleys of the City of Lebanon, aforesaid, all such mains, ditches, pipes, hydrants and other fixtures and appliances as may be necessary for the purpose of carrying on a system of Water Works in said City; but the said Mountain States Power Company, a Delaware corporation, its successors and assigns, shall erect, construct, maintain and operate all such mains, ditches, pipes, hydrants and other fixtures and appliances in such a manner as will interfere and obstruct in the least possible way the free use of the streets and alleys of said City for travel; and all such work upon said streets or alleys shall be done under the supervision of the Street Commissioner of said City; and all such pipes and mains shall be laid at such reasonable depth as the City Council may designate.

Section 2. That there be and there is hereby given and granted unto the Mountain States Power Company, its successors and assigns, the right and franchise to



erect, construct, maintain and operate in said City, but not in said streets or alleys of said City, or upon any property belonging to said City, all such towers, reservoirs, buildings, machinery, fixtures and appliances as may be necessary for the purpose of carrying on a system of Water Works in said City; but all such work shall be done in accordance with the provisions of the ordinances of said City governing the erection of buildings therein.

Section 3. Whenever it shall become necessary, in the doing of any of the work mentioned in Section 1 of this Ordinance, to interfere in any manner with the streets and alleys of said City, the Mountain States Power Company, its successors and assigns, shall, without unnecessary delay, put such street and alley, at its own expense, in as good condition as it was before said work was done; and shall, without unnecessary delay, and at its own expense, remove the surplus earth and rubbish from such street or alley occasioned by the doing of said work.

Section 4. This grant and franchise is made and given unto the Mountain States Power Company, its successors and assigns, for a period of twenty (20) years from the date of the approval of this ordinance by the Mayor, upon the express condition, and for the consideration that the Mountain States Power Company, its successors and assigns, shall at all times during said period of twenty (20) years, furnish to the City of Lebanon, aforesaid, free and without charge therefor, all the water that may be necessary for the use of said City in the Council Chamber and such other offices as may be maintained by said City, the



City to furnish the necessary pipes, hydrants and fixtures for the convenient use of said water in said Council Chamber and other offices.

Section 5. A refusal or neglect on the part of the Mountain States Power Company, its successors and assigns, after reasonable demand therefor, to furnish said water and fixtures of said City purposes, shall, at the option of said City exercised by ordinance, work a forfeiture of this grant and franchise and all rights thereunder.

Section 6. That at the expiration of the term or period for which this franchise is granted, the City of Lebanon, at its option and upon the payment therefor of the fair valuation thereof, may purchase and take over to itself the property of said Mountain States Power Company, its successors and assigns, and all equipment thereto connected with its operation, of the grantee in its entirety and which may be situated upon, in, above or under the streets and public places aforesaid or any thereof, and used in connection therewith.

Said valuation to be agreed upon by the City of Lebanon and Mountain States Power Company, its successors and assigns, or in case they cannot agree, then by arbitration, whereby each party shall select one person to act as arbitrator and the two so selected shall select a third person to act with them, and the three so selected



after hearing all of the evidence [desired to be submitted by either] party, shall thereupon make and fix a fair valuation of said property.

Said decision or award shall be in writing, in duplicate, and signed by said arbitrators or a majority of them and one thereof filed with the City Recorder and the other thereof with the Mountain States Power Company, its successors and assigns, and the decision of the majority shall be binding upon the parties, but in no case shall the valuation of this franchise be considered or taken into account in fixing such valuation, but such valuation shall be based upon the costs of construction and of replacing such plant and property.

The plant as well as the property, if any, of the grantee, situated on, in, above or under the public places, streets, and avenues aforesaid and used in connection therewith shall thereupon be and become the property of the City of Lebanon upon an ordinance duly enacted authorizing the same and upon the City of Lebanon paying to said Mountain States Power Company, its successors and assigns, said valuation.

Section 7. Within sixty (60) days after the approval of this Ordinance by the Mayor, the said Mountain States Power Company, its successors and assigns, or its agent, shall file with the Recorder of said City, its written acceptance of this grant and franchise, to-



gether with all of its conditions and provisions; and in the event of its failure so to do, this Ordinance shall be void and of no effect.

Section 8. The rates to be charged consumers for water service hereunder shall at all times be subject to the approval of the Public Service Commission of Oregon, or other duly constituted regulatory body or authority having jurisdiction.

Section 9. This Ordinance shall be and remain in full force and effect from thirty (30) days after its passage by the Council and its approval by the Mayor.

Passed the Council this 19<sup>th</sup> day of Aug., 1930.

Approved by Mayor this 19 day of Aug., 1930.

H. W. Matricoff  
Mayor of the City of Lebanon.

Attest:

L. H. Witman  
Recorder of the City of Lebanon.



Ord bill #10

Ordinance #411

Water Franchise  
Wit. S. Power Co

Passed

Aug 13<sup>th</sup> 1930

W. H. Wetman  
Recorder

# MOUNTAIN STATES POWER COMPANY



Albany, Oregon.  
September 4, 1930

Mr. C. H. Whitman, Recorder  
City of Lebanon,  
Lebanon, Oregon.

Dear Sir:

Reference is made to Ordinance of the City of  
Lebanon, No. 411:

"An Ordinance granting unto the Mountain States  
Power Company, a Delaware Corporation, its successors and  
assigns, the right and franchise to erect, construct, main-  
tain and operate a system of water works in the City of  
Lebanon, Linn County, Oregon."

In accordance with Section 7 of the said Ordinance  
No. 411, Mountain States Power Company hereby accepts the  
grant and franchise conveyed to it by said Ordinance, together  
with all of the conditions and provisions thereof.

Yours very truly,

MOUNTAIN STATES POWER COMPANY

By

A handwritten signature in cursive script, appearing to read 'J. M. ...', written over a horizontal line.

Asst. Gen'l Manager.

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