

AN ORDINANCE BILL NO. 7  
for 1934.

ORDINANCE NO. 454

A BILL FOR AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND RECORDER OF THE CITY OF LEBANON TO ENTER INTO A CONTRACT WITH THE MOUNTAIN STATES POWER COMPANY, A DELAWARE CORPORATION, FOR THE PAYMENT OF AN OCCUPATION AND PRIVILEGE TAX FOR THE PERIOD OF THREE YEARS FROM AND AFTER THE 1st DAY OF APRIL, 1934 AND DECLARING AN EMERGENCY.

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

Section 1. That the Mayor and Recorder of the City of Lebanon, Linn County, Oregon, be and they are hereby authorized, directed and empowered to enter into a written agreement with the Mountain States Power Company, which said written agreement shall be in words and figures substantially as follows, to-wit:

THIS MEMORANDUM OF AGREEMENT, Made and entered into on this, the 17<sup>th</sup> day of April, 1934, between CITY OF LEBANON, a municipal corporation of the State of Oregon, herein called the "City", and MOUNTAIN STATES POWER COMPANY, a corporation organized under the laws of the State of Delaware and duly licensed to transact business in the State of Oregon, herein called the "Power Company",

W I T N E S S E T H :

WHEREAS, the Mountain States Power Company is operating and doing business in the City of Lebanon, Linn County, Oregon and an agreement has been reached between the officers of the Power Company and the City of Lebanon concerning the payment of a privilege and occupation tax and in order that said agreement may be reduced to writing and duly authorized and executed;

NOW, THEREFORE, It is hereby agreed between the City and the Power Company as follows:

That for and in consideration of the payment by the Power Company to the City of the sum of \$1800.00 payable as hereinafter provided, the City hereby gives and grants unto the Power Company the right, privilege and occupation to engage in the public utility business in the City of Lebanon, Oregon for a period of three years commencing on the 1st day of April, 1934 and ending on the 31st day of March, 1937.

The Power Company agrees to pay said sum of \$1800.00 to the City in the following manner: The sum of \$50.00 upon the execution of this agreement, the receipt whereof is hereby admitted, and the further sum of \$50.00 upon the 1st day of May, 1934 and a like sum on the first day of each and every month thereafter until the whole of said sum has been paid said payments to be made, as aforesaid, except as hereinafter provided.

The Power Company shall have the right and privilege at any time, if it so elects, to offset the amount due hereunder upon any amount due from the City of Lebanon to the Power Company.

That the sums paid hereunder by the Power Company to the City shall be in lieu of any and all occupation, business, gross earnings, license or other taxes of any kind, character, nature or description except property taxes and the City hereby agrees with the Power Company that during the term hereof, it will not levy or attempt to levy <sup>or impose</sup> any other license, occupation, gross earnings, business or privilege tax upon the Power Company.

That any and all persons moving houses or other obstacles in, upon or along the streets, alleys or thoroughfares of the City of Lebanon if and whenever wires or transmission lines of the Company are required

to be moved or raised in order to accommodate the moving of any such structures, then the person moving such structure or structures shall pay to the Power Company the cost of raising, lowering or changing any of said wires or transmission lines.

That the City does hereby give and grant unto the Power Company the right to trim any and all trees of every kind, nature and description growing or planted in the streets or alleys of the City of Lebanon necessary for the operation of the Power Company's business.

IN WITNESS WHEREOF, The City of Lebanon has caused this agreement to be executed by its Mayor and attested by its City Recorder and the seal of said city hereunto affixed by virtue of an Ordinance passed by the Council of said city on the 17<sup>th</sup> day of April, 1934, being Ordinance No. 454 of the City of Lebanon, Oregon, and the Power Company has caused these presents to be executed by its duly authorized officers for and on its behalf and its corporate seal to be hereunto affixed, the day and year first hereinabove in this agreement written.

CITY OF LEBANON, OREGON,

By T. W. Munnifan  
Mayor.

Attest:

E. H. Wetman  
City Recorder.

MOUNTAIN STATES POWER COMPANY,

By \_\_\_\_\_  
President.

Attest:

\_\_\_\_\_  
Secretary.

Section 2. That the adoption of this ordinance is necessary for the preservation of the public peace, health and safety for the City of Lebanon; therefore, an emergency exists and is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its adoption and approval by the Mayor.

Passed by the Council this <sup>17<sup>th</sup></sup> ~~3rd~~ day of April, 1934.

Approved by the Mayor this <sup>17<sup>th</sup></sup> ~~3rd~~ day of April, 1934.

T. W. Sherrin  
Mayor.

Attest:

E. W. Wetmore  
Recorder.

Ord bill # 7-1934

Ordinance # 454

Authorizing Contract with  
Mt State Power Co  
for payment of an  
Redemption or Privilege  
Tax

Adopted April 17<sup>th</sup> 1934

C. B. Wetman

Recorder