

ORDINANCE NO. 489

AN ORDINANCE Authorizing and directing the Mayor and Recorder of the City of Lebanon to enter into a contract with Mountain States Power Company respecting the payment of a privilege and occupation tax to the City of Lebanon for the term of five years, 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, Oregon, be and are hereby authorized and directed to enter into a written contract substantially as hereinafter set out in the name of City of Lebanon, Oregon, with Mountain States Power Company, a Delaware Corporation, providing for the payment of a privilege and occupation tax by said company to the City of Lebanon for a term of five years from the date of the execution thereof, which said written contract shall be executed in duplicate in behalf of the City of Lebanon, Oregon, by the Mayor and attested by the Recorder as soon as convenient after this ordinance shall be in force, and shall be dated as the date of its execution and be substantially in words and figures as follows, to-wit:

THIS MEMORANDUM OF AGREEMENT, Made and entered into on this, the 20th day of April, 1937, 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 \$3000.00 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 five years commencing on the 1st day of May, 1937 and ending on the 30th day of April, 1942.

The Power Company agrees to pay said sum of \$3000.00 to the City in the following manner: The sum of \$50.00 upon the 1st day of May, 1937 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 or impose 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} ~~either~~ 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.

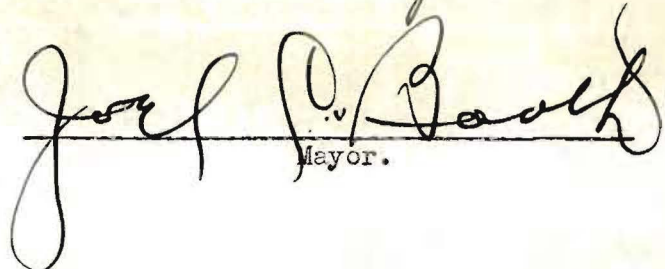
That the City does hereby give and grant unto the Power Company the right to trim any and all trees of every kind, nature and description growing or planted in the streets or alleys of the City of Lebanon necessary for the operation of the Power Company's business.

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 20th day of April 1937, being Ordinance No. 489 of the City of Lebanon, Oregon, and the Power Company has

Section 2. Inasmuch as the present contract under which said Mountain States Power Company has been paying a privilege and occupation tax is expired and it is believed necessary to make immediate provision for the continuance of this payment as provided for in the foregoing contract in order that the City of Lebanon and its inhabitants may have the benefit of said payment, it is the judgment of the City Council that an emergency exists and that this ordinance is necessary for the immediate preservation of the public peace, and wellbeing of the people and property of the City of Lebanon, and for the reasons stated in this section of this ordinance it is necessary that this ordinance become immediately operative and in effect and for said reasons an emergency is hereby declared to exist and this ordinance shall take effect and be in full force immediately upon its passage by the City Council and approval by the Mayor.

Passed by the Council this 20th day of April, 1937.

Approved by the Mayor this 20th day of April, 1937.



Mayor.

Attest:



Recorder of Lebanon, Oregon

Ordinance Bill #5

Ordinance # 489

Passed April 20-1837

Contract with Mrs

State Bank Co

Branchline 20x

Wm. M. ...
Rear