

ORDINANCE BILL NO. 6 FOR 1942

ORDINANCE NO. 564 ✓

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND RECORDER ON BEHALF OF THE CITY OF LEBANON TO ENTER INTO A CONTRACT WITH OREGON ELECTRIC RAILWAY COMPANY, A CORPORATION, AGREEING ON THE PART OF THE CITY TO GRANT A FRANCHISE TO SAID COMPANY OVER DESIGNATED PORTIONS OF WILLIAMS STREET AND AGREEING ON THE PART OF THE COMPANY TO PAY THE CITY CERTAIN SUMS OF MONEY FOR THE ACQUISITION OF LAND BY THE CITY FOR STREET PURPOSES AND FOR CHANGES TO BE MADE ON ACCOUNT THEREOF, AND GRANTING THE CITY AN EASEMENT OVER CERTAIN LANDS OF THE COMPANY, 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 they are hereby authorized and directed to enter into a written contract, substantially as hereinafter set out, in the name of the City of Lebanon, Oregon, with Oregon Electric Railway Company, a Corporation, agreeing on the part of the City to grant a franchise to said company over designated portions of Williams Street and agreeing on the part of the company to pay the City certain sums of money for the acquisition of land by the City for street purposes and for changes to be made on account thereof, and granting the City an easement over certain lands of the company, 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 possible after this ordinance shall be in force, and shall be dated as of the date of its execution and shall be substantially in words and figures as follows, to-wit:

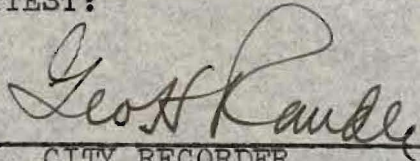


SECTION 2. In as much as it is necessary to provide for a proper route for logging trucks through the City of Lebanon, which will avoid the use of Highway No. 20 and eliminate traffic congestion thereon in said City, and to cooperate with the Oregon State Highway Commission in accepting its offer to aid in the maintenance of such a route, this ordinance is necessary for the peace, health, and safety of the people of the City of Lebanon, and an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council and approved by the Mayor this 15th day of September, 1942.

  
MAYOR

ATTEST:

  
CITY RECORDER



CONTRACT made this 15th day of September 1942, between the CITY OF LEBANON, a municipal corporation of the State of Oregon, herein referred to as the "City", and OREGON ELECTRIC RAILWAY COMPANY, a corporation, herein referred to as the "Railway Company":

The Railway Company heretofore constructed and is now maintaining and operating railway trackage in Williams Street in the City of Lebanon as a part of its railroad between Lebanon and Sweet Home. The City desires to open Williams Street to through traffic by extending it to an intersection with Milton Street. The City proposes to shift the location of Williams Street westerly as hereinafter particularly provided, in consideration of the easement to be granted and the payment to be made by the Railway Company, in order that Williams Street (between Elmore Street and Milton Street) and the Railway Company's railroad shall use and occupy separate parcels of land.

The parties therefore agree as follows:

1. The Railway Company shall execute and deliver to the City a permanent easement for the purposes of a public street over and upon a twenty-foot strip of land intended for use as an extension of Williams Street, more particularly described as follows:

A parcel of land 20.0 feet in width and 264.0 feet in length in the northwest quarter of the northwest quarter of Section 14, Township 12 South, Range 2 West of the Willamette Meridian, said parcel being the west 20 feet of that certain



tract of land conveyed by Samuel M. Garland and I. L. Garland, his wife, to the Oregon Electric Railway Company by warranty deed dated May 15, 1930, and recorded on May 20, 1930, in Book 137, page 556, Deed Records of Linn County, Oregon. The area of land included is 0.12 acres, more or less.

2. The Railway Company shall pay to the City at once upon the completion of the street changes hereinafter provided for the sum of fifteen hundred dollars (\$1500.00) to reimburse the City for the cost of acquiring additional land for said street changes, and shall also pay to the City the actual cost, not exceeding the sum of four hundred and fifty dollars (\$450.00), of moving buildings and making new connections for light, water, and other facilities.

3. The City agrees to widen Williams Street between Elmore Street and the present southerly terminus of Williams Street by adding on the westerly side thereof a twenty-foot strip, the City to acquire the necessary parcels of land for such widening; and the City shall extend and open to an intersection with Milton Street only the westerly forty feet of said Williams Street as widened.

4. The City agrees to improve the westerly forty feet of Williams Street from Elmore Street southerly as a street or roadway and to limit street traffic to said forty-foot strip. The City further agrees to grant to the Railway Company, by an appropriate franchise, the exclusive right to use the easterly forty feet of Williams



Street between Elmore Street and the present southerly terminus of Williams Street as right of way for its line of railway, for a term of twenty-five (25) years.

IN WITNESS WHEREOF, the parties hereto have executed this contract the day and year first above written.

CITY OF LEBANON

ATTEST:

Geo. H. Kauder  
City Recorder

By

C. C. Zumbick  
Mayor

OREGON ELECTRIC RAILWAY COMPANY

By

M. L. Burt  
Vice President and General  
Manager