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ORDINANCE BILL NO. 11 FOR 1943 - 12-18

ORDINANCE NO. 597

CODE 12-18

AN ORDINANCE TO AMEND IN CERTAIN PARTICULARS ORDINANCE NO. 374, PASSED BY THE COUNCIL ON APRIL 10, 1928, AS AMENDED BY ORDINANCE NO. 389, PASSED BY THE COUNCIL ON JULY 2, 1929, FOR THE PURPOSE OF MAKING CERTAIN CHANGES IN THE RIGHT, PRIVILEGE AND FRANCHISE GRANTED TO OREGON ELECTRIC RAILWAY COMPANY FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF CERTAIN RAILROAD TRACKS AND OTHER STRUCTURES WITHIN THE CORPORATE LIMITS OF THE CITY OF LEBANON, IN LINN COUNTY, OREGON.

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

Section 1. Ordinance No. 374, passed by the Council on the 10th day of April, 1928, as amended by Ordinance No. 389, passed by the Council on the 2nd day of July, 1929, is hereby altered, modified and amended to read as follows:

"Section 1. The authority, right, privilege and franchise is hereby granted, given and vested by the City of Lebanon, Oregon, in and to Oregon Electric Railway Company, an Oregon corporation, its successors and assigns, to build, construct, lay down, operate, equip and maintain a single standard gauge railroad and railway tracks with the necessary switches, crossovers, turnouts and turntables, and to operate cars and trains for transporting logs and other freight by steam, gas, electricity, or other motive power, along, over, upon and across the following named streets and public places in the City of Lebanon, Oregon, to-wit:

Beginning at a point on the center line of "A" Street, produced easterly at a distance of 187.42 feet West of the West line of Grove Street, Center Addition to the City of Lebanon, Linn County, Oregon; said point being also on the center line of the Southern Pacific Company's tracks leading from Lebanon, Oregon, to Woodburn, Oregon, and also being the point of switch

of the Oregon Electric Railway Company's tracks leading from Lebanon, Oregon, to Sweet Home, Oregon, as now constructed at Engineer's Station 787 41.0 of the railway center line; thence through a number 10 turnout to the right, through an angle of  $5^{\circ} 44'$  a distance of 87.0 feet to the point of curve; thence southeasterly along the arc of a curve to the right, having a radius of 568.02 feet, a distance of 95.9 feet to a point on the west line of Grove Street, 387.1 feet northerly from the northwest corner of the intersection of Grove and Elmore Streets, thence continuing southeasterly on the arc of said curve, a distance of 63.5 feet to a point on the east line of Grove Street, said point being on the west line of Block 4, 366.5 feet northerly from the northeast corner of the intersection of Grove and Elmore Streets; thence continuing southeasterly on the arc of said curve a distance of 187.3 feet to a point on the west line of the alley in Block 4 aforesaid, 116.2 feet southerly from the north line of said Block 4; thence continuing southeasterly on the arc of said curve, a distance of 16.0 feet to a point on the east line of the alley in said Block 4, 126.8 feet southerly from the north line of said Block 4; thence continuing southeasterly on the arc of said curve, a distance of 297.0 feet to a point on the west line of Williams Street; thence continuing southeasterly on the arc of said curve in Williams Street, a distance of 43.1 feet to the beginning of a spiral at Station 795 308, the total angle of curve aforesaid being  $70^{\circ} 59'$ , thence southeasterly on a decreasing A.R.E.A, spiral to the right, through an angle of  $13^{\circ} 08'$ , a distance of 260 feet to a point of tangent at Station 797 90.8, being on the center line of Williams Street, as originally located, and being 281.0 feet southerly from the intersection of the center line of Williams and Elmore Streets; thence southerly along said center line of Williams Street and any extensions thereof 1774.2 feet to the south line of the city limits of Lebanon and the end."

Section 2. The authority, right, privilege and franchise is hereby granted to Oregon Electric Railway Company, its successors and assigns, to occupy exclusively for the purpose of the maintenance and operation of its

railroad (the center line of which is described in Section 1 of this ordinance) the easterly 40 feet of Williams Street between the south line of Elmore Street and the north line of Milton Street; and the provisions of Ordinance No. 374 and of Ordinance No. 389 with reference to the restoration and maintenance for public use of streets occupied and used by the grantee shall not apply to said railroad's occupancy and use of Williams Street between the south line of Elmore Street and the North line of Milton Street.

Section 3. Section 6 of Ordinance No. 374 is hereby amended to read as follows:

"Section 6. All rights, privileges and franchises herein granted shall continue and be in full force and effect for a period of 25 years after September 15, 1942."

Section 4. This Ordinance shall be of no force or effect unless or until it shall have been published in full, at the expense of said Grantee, at least twice in a newspaper of general circulation published in the City of Lebanon, Oregon, such publication to take place and be completed not less than ten days nor more than thirty days before the final passage hereof, and said Grantee shall within thirty days thereafter file with the Recorder of the City its written acceptance of all the terms and conditions of this Ordinance and franchise, whereupon the same shall be effective as of September 15, 1942.

Section 5. This Ordinance passed by the unanimous vote of all members elected to the Council taken by roll-call and by aye and nay vote and entered in the minutes of the

I, GEO H RANDLE, do hereby certify that I am the duly elected, qualified and acting Recorder of the City of Lebanon, County of Linn, State of Oregon, and that the attached is a true and correct copy of Ordinance Bill No. 11 for 1943,

An Ordinance to Amend in Certain Particulars Ordinance No. 374, passed by the Council on April 10, 1928, as Amended by Ordinance no. 389, passed by the Council on July 2, 1929, for the purpose of making certain changes in the right, privilege and franchise granted to Oregon Electric Railway Company for the construction, maintenance and operation of certain Railroad tracks and other structures within the corporate limits of the City of Lebanon, in Linn County, Oregon.

Dated Aug. 11, 1943.


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Recorder for the City of Lebanon, Oregon.

KNOW ALL MEN BY THESE PRESENTS, that OREGON ELECTRIC RAILWAY COMPANY, a corporation organized and existing under the laws of the State of Oregon, does hereby accept the terms and provisions of an ordinance of the City of Lebanon, Oregon, entitled "Ordinance to amend in certain particulars Ordinance No. 374, passed by the Council on April 10, 1928, as amended by Ordinance No. 389, passed by the Council on July 2, 1929, for the purpose of making certain changes in the right, privilege and franchise granted to Oregon Electric Railway Company for the construction, maintenance and operation of certain railroad tracks and other structures within the corporate limits of the City of Lebanon, in Linn County, Oregon," which ordinance was passed by the Council of the City of Lebanon on June 15, 1943, and was approved by the Mayor of said City on the same date.

IN WITNESS WHEREOF, said Oregon Electric Railway Company has caused this instrument to be executed by its vice president and general manager this 30<sup>th</sup> day of June, 1943.

OREGON ELECTRIC RAILWAY COMPANY

By   
Vice President and General  
Manager

Council proceedings this 15 day of June , 1943.

Approved by the Mayor this 15 day of June , 1943.

*P. J. Ined.*

MAYOR

ATTEST:

*Geoff Kaulle*

RECORDER

*note: - Copy of acceptance*