

A BILL FOR AN ORDINANCE RELATING)
TO OREGON ELECTRIC RAILWAY COMPANY)
FRANCHISE.)

ORDINANCE BILL NO. 8
for 1968

ORDINANCE NO. 1298

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

Section 1. That there be and is hereby granted to Oregon Electric Railway Company, a corporation, its successors and assigns, the franchise and right to lay, construct and maintain a railroad of standard gauge, either single track or double track, or such spurs, sidings, switches, turnouts, curves and connections and other facilities as may be necessary or convenient, and to operate upon and over said tracks so constructed, and run passenger trains and freight trains thereover, and to transport passengers and do all business incidental to the operation of passenger trains thereon, and also freight of all kinds whatsoever, including logs or other forest products, and to do all business incidental to the operation of freight trains, and to carry on a general commercial railroad business, upon the conditions hereinafter specified, upon, over and/or across the following named streets and 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 Street; 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 provided herein, as to the restoration and maintenance for public use of streets occupied and used by the Oregon Electric Railway Company 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. That there be and is hereby also granted to said Oregon Electric Railway Company, a corporation, its successors and assigns, the right to erect, construct and maintain poles, wires and other necessary and convenient facilities for the purpose of conveying power and electrical currents for its own use and for the operation of its cars and trains, with the right and privilege of constructing and maintaining all necessary and convenient feed and service lines in connection therewith.

Section 4. Said Oregon Electric Railway Company, its successors and assigns, shall have the right to do all necessary excavating or grading in any of said streets under the conditions hereinafter named for the purpose of establishing and maintaining said railway; provided that if such excavation shall disturb any of said streets, the same shall be restored to good order and condition as soon as practicable and without unnecessary delay. The Oregon Electric Railway Company, its successors and assigns, shall during the term of this franchise keep the track portion of each street in as good condition and repair as the remainder of the street and, for the purpose of this section, the term "track portion of the street" means the space between the rails and spaces eighteen inches in width running parallel with and adjacent to the outside flange of each rail.

Section 5. Said Oregon Electric Railway Company, a corporation, shall plank or otherwise improve grade crossings at such locations as said railroad shall cross streets in such manner as may be directed by the Public Utilities Commissioner of the State of Oregon.

Section 6. The motive power employed may be electricity, steam, internal combustion engines or any other form of motive power which said Oregon Electric Railway Company, its successors or assigns, may consider necessary and proper for the operation of the trains and the exercise of the rights herein granted.


Section 7. All rights herein granted shall continue and be in force and effect for ten years from and after the

date of final approval of this Ordinance.


Section 8. For the use of said streets over and across which the railroad will pass, the Oregon Electric Railway Company shall pay to the City of Lebanon annually in advance the sum of Ten Dollars (\$10.00) during the term of this franchise.

Section 9. All franchises and rights herein granted are upon the condition that said Oregon Electric Railway Company, its successors and assigns, shall within thirty days from the time this ordinance is approved by the Mayor or otherwise takes effect, file at the office of the City Recorder a written acceptance of its provisions.

Passed by the Council and approved by the Mayor this 6th day of FEBRUARY 1968.


Mayor

ATTEST:


Recorder