

A BILL FOR AN ORDINANCE AMENDING )  
ORDINANCE NO. 26, RELATING TO AN )  
ELECTRIC UTILITY FRANCHISE, )

ORDINANCE BILL NO. 42  
for 1977

ORDINANCE NO. 1668

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

Section 1. Ordinance No. 26 granting to G. G. Rawlings, his successors and assigns, an electric utility franchise in the City of Lebanon, and approved by the City on September 20, 1892, is amended to read as follows:

"Section 1. There be and there is hereby given and granted unto G. G. Rawlings and to his heirs, executors, administrators, successors and assigns, the right, privilege and franchise to construct, maintain and operate an electric utility system within the City of Lebanon, Linn County, Oregon; and to install, maintain and operate on, over and under the streets, bridges and public places, facilities for electric light and power lines, with all the necessary or desirable appurtenances, for the purpose of supplying electricity and electric service to the City and its inhabitants and to other persons and territory beyond the limits of the City. The rights, privileges and franchises granted under original Ordinance No. 26 approved September 20, 1892, are now and shall be continued to be exercised by Pacific Power & Light Company, its successors or assigns.

Section 2. The facilities of Grantee shall at all times be maintained in a safe, substantial and workmanlike manner; and the location, construction, extension, installation, maintenance, removal and relocation of the facilities of Grantee shall conform to the requirements of City, State and Federal Ordinances, statutes, and regulations reasonably applicable to Grantee and in force at the time of such work.

Section 3. Grantee shall use due diligence to maintain continuous and uninterrupted 24-hour day service, subject to accidents, interferences or interruptions beyond the reasonable control of Grantee; and Grantee shall have the authority to promulgate such lawful rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable it to exercise its rights and perform its obligations under this franchise.

Section 4. Whenever it shall become necessary in the installation of Grantee's facilities to interfere in any manner with any street, alley or public property, the Grantee shall without delay restore such street, alley or public property in as good condition as it was before it was broken, dug up, disturbed, or interfered with.

Section 5. Grantee shall protect and save the City, its officers, employees and agents harmless against and from any and all damage, claims, and any and all loss, liability, cost or expense occasioned by any negligent act or omission of Grantee in the construction, maintenance, operation or repair of

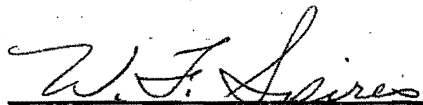
Grantee's property or any use thereof; and Grantee shall at all times comply with any lawful present or future Charter provisions, Ordinances, rules or regulations of the City relating to the manner of occupation or use, or to the repair or improvements of said streets.

Section 6. Franchise Fee and Tax. The City reserves the right to levy and impose by separate Ordinance a fee and tax for Grantee's right, privilege and franchise to use streets, alleys and public easements within the City for the uses and purposes provided in this franchise Ordinance No. 26, as hereby amended. Any amounts paid by Grantee to City as a franchise fee under separate Ordinance shall be in lieu of and not in addition to any other license, occupation, franchise or excise taxes or charges which are levied and collected or might be otherwise levied or collected by the City from the Grantee with respect to Grantee's electric business or the exercise of this franchise within the corporate limits of the City. However, nothing contained herein shall give Grantee any credit against, or be in lieu of any ad valorem property tax now or hereafter levied against real or personal property within the City or against any local improvement or ~~service~~ assessment.


Section 7. The City of Lebanon hereby reserves the right to alter, change or modify this Ordinance or any of its provisions."

Section 2. Effective date. This Ordinance following its publication and acceptance as provided by City Charter, shall become effective on January 1, 1978.

Passed by the Council by a vote of 6 for and 0 against, and approved by the Mayor this 25<sup>th</sup> day of January, 1978.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Recorder

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 26 RELATING TO AN ELECTRIC UTILITY FRANCHISE. ORDINANCE BILL NO. 42 for 1977

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

Section 1. Ordinance No. 26 granting to C. G. Rawlings, his successors and assigns, an electric utility franchise in the City of Lebanon, and approved by the City on September 20, 1892, is amended to read as follows:

"Section 1. There be and there is hereby given and granted unto C. G. Rawlings and to his heirs, executors, administrators, successors and assigns, the right, privilege and franchise to construct, maintain and operate an electric utility system within the City of Lebanon, Linn County, Oregon; and to install, maintain and operate on, over and under the streets, bridges and public places, facilities for electric light and power lines, with all the necessary or desirable appurtenances, for the purpose of supplying electricity and electric service to the City and its inhabitants and to other persons and territory beyond the limits of the City. The rights, privileges and franchises granted under original Ordinance No. 26 approved September 20, 1892, are now and shall be continued to be exercised by Pacific Power & Light Company, its successors or assigns.

Section 2. The facilities of Grantee shall at all times be maintained in a safe, substantial and workmanlike manner; and the location, construction, extension, installation, maintenance, removal and relocation of the facilities of Grantee shall conform to the requirements of City, State and Federal Ordinances, statutes, and regulations reasonably applicable to Grantee and in force at the time of such work.

Section 3. Grantee shall use due diligence to maintain continuous and uninterrupted 24-hour day service, subject to accidents, interferences or interruptions beyond the reasonable control of Grantee; and Grantee shall have the authority to promulgate such lawful rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable it to exercise its rights and perform its obligations under this franchise.

Section 4. Whenever it shall become necessary in the installation of Grantee's facilities to interfere in any manner with any street, alley or public property, the Grantee shall without delay restore such street, alley or public property in as good condition as it was before it was broken, dug up, disturbed, or interfered with.

Section 5. Grantee shall protect and save the City, its officers, employees, and agents harmless against and from any and all damage, claims, and any and all loss, liability, cost or expense occasioned by any negligent act or omission of Grantee in the construction, maintenance, operation or repair of Grantee's property or any use thereof; and Grantee shall at all times comply with any lawful present or future Charter provisions, Ordinances, rules or regulations of the City relating to the manner of occupation or use, or to the repair or improvements of said streets.

Section 6. Franchise Fee and Tax. The City reserves the right to levy and impose by separate Ordinance a fee and tax for Grantee's right, privilege and franchise to use streets, alleys and public easements within the City for the uses and purposes provided in this franchise Ordinance No. 26, as hereby amended. Any amounts paid by Grantee to City as a franchise fee under separate Ordinance shall be in lieu of, and not in addition to any other license, occupation, franchise or excise taxes or charges which are levied and collected or might be otherwise levied or collected by the City from the Grantee with respect to Grantee's electric business or the exercise of this franchise within the corporate limits of the City. However, nothing contained herein shall give Grantee any credit, against, or be in lieu of any ad valorem property tax now or hereafter levied against real or personal property within the City or against any local improvement or service assessment.

Section 7. The City of Lebanon hereby reserves the right to alter, change or modify this Ordinance or any of its provisions.

Section 2. Effective date. This Ordinance following its publication and acceptance as provided by City Charter, shall become effective on January 1, 1978.

Edwin R. Ivey, Recorder  
City of Lebanon  
Jan. 10, 17, 1978

# Affidavit of Publication

STATE OF OREGON, }  
County of Linn. } ss.

I, EMMA FAIR, being first duly sworn, depose and say that

I am CLERK of The Lebanon Express, a newspaper of general circulation, as defined by ORS 193,010 and 193,020; published at Lebanon in the aforesaid county and state, that the

ORDINANCE BILL

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for TWO (2) successive and consecutive weeks in the following issues:

JANUARY 10, 17, 1978

*Emma Fair*

Subscribed and sworn to before me this 17th day of Jan. 19 78

*Judith A. Nesbitt*

Notary Public for Oregon

(My Commission expires October 5, 1980).

No. \_\_\_\_\_

In the \_\_\_\_\_ Court of the

**STATE OF OREGON**  
for the  
**COUNTY OF LINN**

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# Affidavit of Publication

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Filed \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Clerk.

\_\_\_\_\_  
Deputy.

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From the Office of

Attorney for \_\_\_\_\_

ACCEPTANCE OF ORDINANCE NO. 1668

by  
PACIFIC POWER & LIGHT COMPANY

Pacific Power & Light Company hereby unconditionally accepts Ordinance No. 1668 of the City of Lebanon, Linn County, Oregon, and all the terms, provisions and conditions thereof, said ordinance being entitled:

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 26,  
RELATING TO AN ELECTRIC UTILITY FRANCHISE.

which said ordinance was duly passed at a regular meeting of the Council of the said City on the 25th day of January 1978, and on said day was duly attested by the Recorder and approved by the Mayor.

DATED this 10th day of February, 1978.

PACIFIC POWER & LIGHT COMPANY

By *R. L. Bartholmeu*  
Senior Vice President

Attest: *R. A. Sampson*  
Assistant Secretary

I, EDWIN R. IVEY, Recorder of the City of Lebanon, do hereby certify that the foregoing is a full, true and correct copy of Acceptance of Ordinance No. 1668, and that the original of said acceptance was filed in my office as such Recorder on February 15, 1978.

WITNESS my hand and the Seal of the City of Lebanon this 15th day of February, 1978.

*Edwin R. Ivey*  
Recorder of the City of Lebanon