

Specified
 Ordinance No 35. 36

An Ordinance Granting unto O'Neill Brothers and Callaghan, their Successors and assigns, the Right and Franchise to construct, maintain and operate Along certain Streets in the City of Lebanon, Linn County, Oregon, a wide-gauge Railroad track and bed, and to propel thereon Locomotives and cars by steam power; and to repeal Ordinance No 25.

The People of The City of Lebanon do ordain as follows:

Section 1. That there be and there is hereby granted unto O'Neill Brothers and Callaghan, their successors, and assigns, the right and franchise to construct, maintain and operate, in the City of Lebanon, Linn County, Oregon, a wide-gauge railroad track and bed, and to propel by steam thereon locomotives and cars, in, on and along the following streets, upon the conditions, restrictions, and requirements herein after named, to-wit:

Beginning at a convenient point on the western terminus of Olive Street, thence east along Olive Street to Fourth street, thence east along Olive street across Fourth, Third, Second and Main streets to a point on the east line of Main street, following the Center

of Olive street from Fourth street to Main street, and crossing Main street at right angles therewith.

Sec. 2. The franchise and right of way given and granted herein is given and granted upon the condition and with the understanding, that the grantees their successors or assigns shall build and maintain said railroad along the route herein described so as to least obstruct or delay public travel along and across the streets herein named; and shall build and maintain said road as near as possible to conform to the grade of said streets and crossings, during the continuance of this franchise; and said grantees, their successors and assigns shall, likewise, during the continuance of this franchise build and maintain in good repair easy grades at all street crossings, the entire width of each crossing; and plank said road between and on each side of the rails, the width of said crossing, for both road-bed and sidewalk purposes, at each crossing, and shall during the term of the franchise keep all said crossings in good condition, from the beginning to the end of the road, at their own costs.

Sec. 3. All work done and all repairs made shall be done and made under the supervision and control of the Street Commissioner of said City of Lebanon, or any

person whom the City Council may appoint or name for that purpose. And whenever along said route any street or crossing has been interfered with or obstructed in any manner, the said streets and crossings shall be repaired, the obstructions removed and the streets and crossing put in good condition, with out delay.

Sec. 4. The right of franchise herein granted shall continue for the period of ninety-nine years from the date of the approval of this Ordinance by the Mayor, but the same shall be forfeited and cease and become void, upon the failure of the grantee, their successors and assigns, to keep the conditions and observe the requirements set forth in section 2. of this ordinance, at the option of the City Council and upon two thirds of the members voting therefor.

Sec. 5. The City reserves the right to sewer, grade, pave, plank, alter and repair the streets and crossings herein named, at its pleasure; and to build and use and to permit to be built and used a rail road along and across any and all said streets and crossings; provided, always that no material or permanent damage shall be done to the road bed or track of the grantee, herein or their

successors or assigns, by reason of the building of any other road along the said route. The work of constructing said road shall begin and reasonable progress made thereon, with in twelve months from the approval of this Ordinance; ~~by~~ and a written acceptance of the franchise herein granted with all its conditions and requirements, signed by the grantee, shall be filed with the City Recorder with in ten days after the approval of this Ordinance.

Sec. 6. Ordinance No. 25. of the said City of Lebanon, Linn County, Oregon, is hereby repealed.

Sec. 7. This Ordinance shall be and remain in full force and effect on and after its approval by the Mayor, and the filing of the written acceptance herein provided.

Passed by the Council May 15th, 1894.

Approved May 15th, 1894

Chas. B. Montague
Mayor.

Attest:

A. F. Stowe,

Recorder of the City of Lebanon.

The above Ordinance was copied by the instructions of the City Council given at a regular meeting of said City Council, March 5, 1895. And copied by the Recorder March 6, 1895.

W. M. Brown.
Recorder of the City of Lebanon.