

ORDINANCE 512

AN ORDINANCE GRANTING TO THE WEST COAST TELEPHONE COMPANY, A WASHINGTON CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO PLACE, ERECT AND MAINTAIN POLES, WIRES AND OTHER APPLIANCES AND CONDUCTORS AND TO LAY UNDERGROUND WIRES FOR THE TRANSMISSION OF ELECTRICITY FOR TELEPHONE PURPOSES IN, UPON, UNDER AND OVER THE STREETS, ALLEYS, AVENUES, THOROUGHFARES AND PUBLIC HIGHWAYS IN THE CITY OF SHERWOOD, OREGON, AND TO CONDUCT A GENERAL TELEPHONE BUSINESS WITHIN THE SAID CITY OF SHERWOOD, OREGON.

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1. There is hereby granted by the City of Sherwood to the West Coast Telephone Company, a Washington Corporation, its successors and assigns, the right and privilege to conduct a general telephone business within the said City of Sherwood and to place, erect, lay, maintain and operate in, upon, under and over the streets, alleys, avenues, thoroughfares and public highways within the said City, poles, wires and other appliances and conductors for the transmission of electricity for telephone purposes. Such wires and other appliances and conductors may be strung upon poles and other fixtures above ground or at the option of the grantee may be laid underground in pipes or conduits or otherwise protected.

Section 2. It shall be lawful for Grantee to make all needful and necessary excavations in any of said streets, alleys, avenues, thoroughfares and public highways. Said work shall be done in compliance with the rules, regulations, ordinances and orders which have been heretofore or which may hereafter during the continuance of this franchise, be required by the City.

Section 3. Whenever Grantee shall disturb any of the streets, alleys, avenues, thoroughfares and public highways for the purposes aforesaid, it shall restore the same to good order and condition as soon as practicable without unnecessary delay and failing to do so, City shall have the right to fix a reasonable time within which such repairs and restoration shall be completed and upon failure of such repairs and restoration being made by Grantee, City shall cause such repairs to be made at the expense of Grantee.

Section 4. Nothing in this ordinance shall be construed in any way to prevent the proper authorities of the City from sewerage, grading, paving, repairing, altering or improving any of the streets, alleys, avenues, thoroughfares and public highways in or upon which the poles, wires, conductors, conduits, pipes or other apparatus may be placed but all such work or improvements shall be done if possible so as not to obstruct or prevent the free use of said poles, wires, conductors, conduits, pipes or other apparatus.

Section 5. Whenever it becomes necessary to temporarily rearrange, remove, lower or raise the wires, cables or other plant of Grantee for the passage of buildings, machinery or other objects, Grantee shall temporarily rearrange, remove, lower, or raise its wires, cables or other plant as the necessities of the case require; provided, however, that the person or persons desiring to move any such buildings, machinery or other objects, shall pay the entire actual

cost to grantee of changing, altering, moving, removing or replacing its wires, cables or other plant so as to permit such passage, and shall deposit in advance with Grantee a sum equal to such cost as estimated by Grantee and shall pay all damages and claims of any kind whatsoever, direct or consequential, caused directly or indirectly by the changing, altering, moving, removing or replacing of said wires, cables or other plant, except as may be occasioned through the sole negligence of Grantee. Grantee shall be given not less than ninety-six (96) hours written notice by the party desiring to move such building or other objects. Said notice shall detail the route of movement of such building or other objects over and along the streets, alleys, avenues, thoroughfares and public highways and shall bear the approval of the City. Such moving shall be with as much haste as possible and shall not be unnecessarily delayed or cause Grantee unnecessary expense or waste of time.

Section 6. In consideration of the rights and privileges hereby granted, City shall have, and Grantee hereby grants to it, the right and privilege to suspend and maintain wires and necessary control boxes on poles placed by Grantee in the streets, and other places aforesaid, or if such wires are placed underground, to place and maintain in the pipes or conduits of Grantee, if space therein is available, wires which City may require for fire and police purposes. All such wires shall be placed upon the poles or in the conduits so as not to interfere with telephone service and shall not carry currents or voltage dangerous to telephone plant or telephone users and all installations, maintenance and repairs shall be subject to the rules, regulations and supervision of the Grantee. City agrees in consideration of the establishment of this service and the furnishing of such facilities to hold Grantee entirely free and harmless from all claims or liability for damage which may arise out of the operation of these special services.

As further consideration Grantee agrees to pay to City 2½ % (two and one-half percent) of the gross annual revenue from local exchange service rendered subscriber within the city limits, such revenue to be determined in accordance with the lawful rates and rate groupings applicable to the exchange, exclusive of extended area service. Such payments shall be made by Grantee on or before March 15 of each year for the calendar year preceding and the first and last payments shall be for that fractional part of the calendar year during which this franchise is in effect.

Section 7. The rights, privileges and franchise hereby granted shall continue and be in full force for a period of ten (10) years from the date of passage of this ordinance. However, this ordinance shall be inoperative unless it is accepted in writing by the Grantee within sixty (60) days after the date of its passage.

Section 8. All ordinances and parts of ordinances of previous date, insofar as the same are in conflict herewith, are hereby repealed and annulled.

1st Reading 5th day of May, 1961

2nd Reading 5th day of May, 1961

3rd Reading 5th day of May, 1961

Passed by the City Council the 5th day of May,

1961.

Approved by the Mayor the 5th day of May,

1961.

Stanley Steator
Mayor

ATTEST:

H. S. Albert
Recorder

This is to certify that the above is a true and correct copy of Ordinance No. 512, passed by the City Council of the City of Sherwood, Oregon on May 5, 1961, granting a franchise to West Coast Telephone Company in the City of Sherwood, Oregon.

H. S. Albert
Recorder

Dated at Sherwood, Oregon on May 6, 1961.

TO THE CITY COUNCIL OF THE CITY OF SHERWOOD, OREGON:

The West Coast Telephone Company hereby unconditionally accepts the right, privilege and franchise granted unto it, its successors and assigns, by that certain franchise passed by the City Council of the City of Sherwood, Oregon on the 5th day of May, 1961, designated as Ordinance No. 512 and entitled:

AN ORDINANCE GRANTING TO THE WEST COAST TELEPHONE COMPANY, A WASHINGTON CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO PLACE, ERECT AND MAINTAIN POLES, WIRES AND OTHER APPLIANCES AND CONDUCTORS AND TO LAY UNDERGROUND WIRES FOR THE TRANSMISSION OF ELECTRICITY FOR TELEPHONE PURPOSES IN, UPON, UNDER AND OVER THE STREETS, ALLEYS, AVENUES, THOROUGHFARES AND PUBLIC HIGHWAYS IN THE CITY OF SHERWOOD, OREGON AND TO CONDUCT A GENERAL TELEPHONE BUSINESS WITHIN THE SAID CITY OF SHERWOOD, OREGON.

Dated at Everett, Washington, this 5TH day of MAY 1961.

WEST COAST TELEPHONE COMPANY

Shan Bush
Vice President & General Manager

ATTEST:

M. L. Robinson
Assistant Secretary

I hereby acknowledge receipt of acceptance on the part of the West Coast Telephone Company of the franchise granted by the City Council of the City of Sherwood, Oregon MAY 5, 1961, designated as Ordinance No. 512.

H. G. Albert
Clerk City Recorder

Dated at Sherwood, Oregon MAY 27, 1961.

THIS INSTRUMENT IS A TRUE AND CORRECT COPY AS PREVIOUSLY APPROVED BY ATTORNEY

W. L. ...

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