

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 607

AN ORDINANCE GRANTING TO GENERAL TELEPHONE COMPANY OF THE NORTHWEST, INC., 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 COMMUNICATION PURPOSES IN, UPON, UNDER AND OVER THE STREETS, ALLEYS, AVENUES, THOROUGHFARES AND PUBLIC HIGHWAYS OF THE CITY OF SHERWOOD, OREGON, AND TO CONDUCT A GENERAL COMMUNICATION BUSINESS WITHIN THE SAID CITY OF SHERWOOD, OREGON, AND REPEALING ORDINANCE NO. 512 OF THE CITY OF SHERWOOD AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INSOFAR AS THE SAME ARE IN CONFLICT HEREWITH.

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1: There is hereby granted by the City of Sherwood to the General Telephone Company of the Northwest, Inc., a Washington Corporation, its successors and assigns, the right and privilege to conduct a general communication 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 communication 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 being made by Grantee, City shall cause such repairs to be made at the expense of the 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, 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 the 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 conduits so as not to interfere with communication 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.

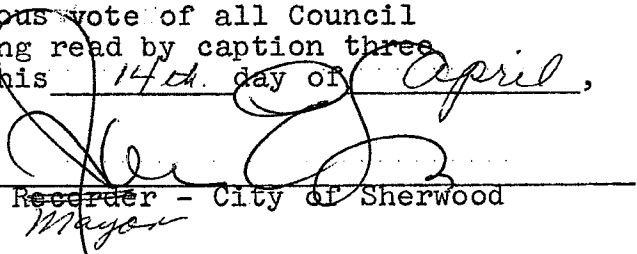
As further consideration Grantee agrees to pay to City three (3%)----- per cent of the gross annual revenue for local exchange service rendered subscriber within the City limits, such revenue to be determined in accordance with the lawful rates and rate groupings applicable to the exchange, exclusive 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: A Ordinance No. 512 of the City of Sherwood and all other ordinances or parts of ordinances insofar as the same are in conflict herewith are hereby repealed.

Section 9: This ordinance shall be effective on and after the 31st day from the date of its passage by the Council and the approval of the Mayor.

PASSED: By the Council, by unanimous vote of all Council members present, after being read by caption three times, and in body once, this 14th day of April, 1971.


Recorder - City of Sherwood
Mayor

ATTEST: By the Mayor, this 14th day of April, 1971.

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

The General Telephone Company of the Northwest, Inc. 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 14th day of April, 1971, designated as Ordinance No. 607 and entitled:

AN ORDINANCE GRANTING TO GENERAL TELEPHONE COMPANY OF THE NORTHWEST, INC., 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 COMMUNICATION PURPOSES IN, UPON, UNDER AND OVER THE STREETS, ALLEYS, AVENUES, THOROUGHFARES AND PUBLIC HIGHWAYS OF THE CITY OF SHERWOOD, OREGON AND TO CONDUCT A GENERAL COMMUNICATION BUSINESS WITHIN THE SAID CITY OF SHERWOOD, OREGON, AND REPEALING ORDINANCE NO. 512 OF THE CITY OF SHERWOOD AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INsofar AS THE SAME ARE IN CONFLICT HEREWITH.

Dated at Everett, Washington, this 18th day of May, 1971.

GENERAL TELEPHONE COMPANY OF THE NORTHWEST, INC.

By W E Camille
Its Vice President

ATTEST:

E. J. Phierer
Secretary

I hereby acknowledge receipt of acceptance on the part of the General Telephone Company of the Northwest, Inc. of the franchise granted by the City Council of the City of Sherwood, Oregon on April 14, 1971, designated as Ordinance No. 607.

Marjorie Stewart
Clerk

Dated at Sherwood, Oregon June 1, 1971.