

AN ORDINANCE granting to Portland Gas & Coke Company, a corporation, its successors and assigns, for a period of twenty-five years, the right, privilege and franchise to lay, maintain and operate gas mains, pipes and appurtenances thereto, in the present and future streets, alleys and highways and public places of the City of Sherwood, Oregon, and its successors, for the purpose of supplying gas to the City of Sherwood and the inhabitants thereof and others for light, heat, power and other purposes.

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1. There is hereby granted to Portland Gas & Coke Company, its successors and assigns, hereinafter called the grantee, for a period of twenty-five years from and after the date of the passage of this ordinance, the right, privilege and franchise to lay, maintain and operate gas mains, pipes and conduits with all necessary posts and fixtures, manholes, service connections and all necessary or desirable appurtenances in and upon the present and future streets, alleys, highways and public places of said City of Sherwood and its successors, for the purpose of supplying gas to the City of Sherwood and its successors and to the inhabitants thereof and to persons living beyond the limits thereof, for light, heat, power and other purposes.

Section 2. Whenever the grantee shall excavate or in any manner disturb or interfere with any street, alley, highway or public place within said City of Sherwood, it shall restore the portion of the street, alley or public highway so excavated to the same condition in which it was prior to the opening thereof without unnecessary delay, and failing to do so the Council of the City of Sherwood shall have the right to fix a certain time within which such repairs and restoration shall be completed, and upon failure of such repairs and restoration being made by the grantee within the time specified, said City, by its Council, may cause such repairs to be made at the expense of the grantee; provided, however, that the proper city authorities may require that any opening or excavation in any hard surface pavement in any of the streets, alleys, or public highways of said city shall be filled in and the pavement replaced by the city authorities, and the cost thereof, including the cost of inspection and supervision, shall be paid by the said grantee, its successors or assigns.

Section 3. Nothing in this ordinance shall be construed as in anywise to prevent the City of Sherwood from sewerage, grading, paving, repairing, altering or doing any work that may be desirable on any of the streets, alleys, highways or public places of said City, but all work shall be done if possible in such manner as not to obstruct, injure or prevent the free use and operation of said gas system of the grantee. But in case it may be necessary to remove or lower any of the conduits, mains, or pipes aforesaid in the improvement of any street, alley, highway or public place, the grantee shall, after notice to do the same, make all changes necessary and called for promptly and at the grantee's sole cost and expense. If after notice as aforesaid, the grantee shall fail, neglect or refuse to remove, lower or change any conduit, main pipe or manhole or other appliance in connection therewith, as aforesaid, then the City of Sherwood, by its properly constituted authorities, may do the same and charge and collect the cost thereof from the grantee.

Section 4. The grantee hereby agrees and covenants to indemnify and save harmless the City of Sherwood and the officers thereof, and its successors, against all damage, cost and expense whatsoever to which it or they may be subject in consequence of the acts or neglect of the grantee, its agents or servants, in any manner arising out of any construction, maintenance or operation of the system to be installed under and by reason of this franchise.

Section 5. The rights, privileges and franchise hereby granted are not exclusive and shall be subject to such reasonable rules and regulations as may lawfully be prescribed by the Public Service Commission of Oregon or any other public utility commission created by the State of Oregon, having jurisdiction.

Section 6. The grantee shall make all necessary excavations in any of said streets, alleys, highways or public places of said City for the purpose of laying conduits, mains, or pipes and the necessary manholes and other appliances used in connection with said system and for the purpose of repairing and operating the same and all pipes shall be placed at least two feet below grade and at a location in said streets, alleys, highways or public places as shall be designated and approved by the Street Commissioner, or other City official designated by the City Council

from time to time and clothed with authority to grant such approval, which approval shall be obtained prior to commencing any contemplated work. The grantee shall furnish and file with the City Recorder a map or blue print showing the location of all mains, apparatus and service pipes within the City of Sherwood and shall bring said map to date twice each year upon notice or at any time upon reasonable notice from the Mayor.

Section 7. The grantee shall file with the Recorder of the City of Sherwood its written acceptance of this ordinance and of the rights, privileges and franchise hereby granted and obligations imposed, within thirty days, from and after the date of passage of this ordinance.

Section 8. The grantee, prior to furnishing service under this franchise shall file with the Public Service Commission of Oregon in the manner provided by law the same tariff or rates for gas service in the City of Sherwood as the Grantee may then have in effect for gas service in the City of Portland, Oregon, but such tariff and rates shall always be subject to all reasonable rules, orders and regulations lawfully made or prescribed by said Public Service Commission or by any other body having lawful jurisdiction in the premises.

Section 9. At the expiration of the term of this franchise, the City of Sherwood, at its election and upon the payment therefor of a fair valuation thereof, may purchase and take over to itself the property of the said Portland Gas & Coke Company, its successors and assigns, in its entirety and which may be situated on, in, above or under the streets and public places of said City and used in connection therewith, within the corporate limits of said City, and should the City of Sherwood upon the termination of this franchise exercise such right of purchase, the said property of said Company, its successors and assigns, in its entirety shall be and become the property of the City of Sherwood upon the passage, approval and publication of an Ordinance duly enacted authorizing the same and upon the City of Sherwood paying to the said Portland Gas & Coke Company, its successors and assigns, the valuation thereof. Such valuation shall be of all appurtenances, appliances, equipment, mains, pipes, leaseholds, buildings, stores and furniture and fixtures suitable and used by the Company for its purposes within said City of Sherwood under this franchise, basing such appraisal upon the fair market value of the property as it is then located,

ready for actual use; and such valuation shall be arrived at by the City of Sherwood appointing one appraiser, Portland Gas & Coke Company, its successors and assigns, appointing one appraiser, and such two appraisers appointing a third appraiser, which appraisers shall have the power and authority to employ expert valuers to aid them in arriving at the value of said property.

Section 10. The Grantee shall at all times fully and faithfully perform all of the terms, provisions and conditions of this franchise or grant and furnish efficient service hereunder and maintain its property in good order and repair throughout the entire term of the grant and upon any default by the Grantee hereunder and the continuance of such default for a period of thirty (30) days from and after the receipt of notice from the council of the City of Sherwood specifying such default, said City of Sherwood may by ordinance and for good cause shown, forfeit this grant or franchise and all further rights of the Grantee, its successors or assigns hereunder.

Introduced in the Council Nov 25th, 1930.
Passed by the Council Nov 25th, 1930.

APPROVED: This 28 day of Nov, 1930.
J. E. Morback
Mayor

ATTEST:

Floyd C. Shoop
Recorder