

ORDINANCE No. 464

Franchise for Ele. Railway.

No 464
Ord. 464
Electric
Railway

An Ordinance granting A. Welch, his heirs, assigns and successors, the right, privilege and franchise to lay down, build, construct and maintain lines of railway, and a system of single or double track railway, with convenient switches, turn-outs, curves, connections and turn tables, and for the purpose of operating said railway and conveying power and electrical currents for its use, to put up, erect, maintain and use poles and over-head wires, and lay down, construct, maintain and use under-currents, slots, conduits, underground wires, conductors and cables, in, over and upon the following streets and portion of streets within the City of Albany, Oregon, to-wit:

Beginning at a point on the Willamette River at the North end of Calapooia Street in the City of Albany Oregon, thence running South on Calapooia Street, to Ninth Street; Also, beginning at the intersection of Calapooia Street and First Street in said City, and running thence East on First Street to the Eastern limits of said City; Also, beginning at a point where Eighth Street in said City of Albany, intersects Main Street in said City, and running thence West on Eighth Street to Montgomery Street, thence across Block six in Haddam's second addition to said City of Albany to Ninth Street where it intersects Baker Street, thence West on Ninth Street to the Western limits of said City; Also, beginning at the intersection of Calapooia Street with Birch Street, in said City of Albany and running thence West on Birch Street to the Western limits of said City; Also, beginning at a point on the Willamette River at the North end of Lyon Street, in said City of Albany, and running thence South on Lyon Street to the Southern Pacific Railway Depot in said City of Albany, Oregon. Also, beginning at the intersection of First and Main Streets, in said City, and running thence South on Main Street to its intersection with Eighth Street.

The People of the City of Albany do ordain as follows:

Section 1. That there be and hereby is granted

ORDINANCE NO. 1161

Franchise for Ele. Railway:

unto A. Welch, his heirs, assigns and successors, the franchise, right and privilege to lay down, construct and maintain lines of railway and a system of single or double track railway, with appurtenant switches, turn-outs, curves, connections and turn-tables, and, for the purpose of operating said Railway and conveying power and electrical currents for its use, to put up, erect, maintain and use poles and overhead wires and lay down, construct, maintain and use underground slots and conduits and underground wires, conductors and cables, in, over, along and upon the following streets and portion of streets within the City of Albany Oregon, to-wit:

Beginning at a point on the Willamette River at the north end of Calapooia Street, in the City of Albany, Oregon, thence running South on Calapooia Street to Ninth Street. Also, beginning at the intersection of Calapooia and First Street, in said City, and running thence east on First Street to the Eastern limits of said City. Also, beginning at a point where Eighth Street in said City of Albany, intersects Main Street in said City, and running thence West on Eighth Street to Montgomery Street, thence across block six in Leckleman's Second addition to said City of Albany to Ninth Street where it intersects Baker Street, thence West on Ninth Street to the Western limits of said City. Also, beginning at the intersection of Calapooia Street with Sixth Street, in said City of Albany, and running thence West on Sixth Street to the Western limits of said City. Also, beginning at a point on the Willamette River at the North end of Lyon Street, in said City of Albany, and running thence South on Lyon Street to the Southern Pacific Railway Depot. Also, beginning at the intersection of First and Main Streets, in said City of Albany, and running thence South on Main Street to its intersection with Eighth Street.

Section 2. The said A. Welch, his heirs, assigns and successors, may operate and propel and haul cars over and upon the Railways mentioned in Section One of this Ordinance by means of overhead or underground electrical power, storage batteries, compressed air, cables, or other mechanical power, except steam, and may at any time change

ORDINANCE No. 164

Franchise for Ele. Railway

The motor power and the mode of operating and propelling cars for any more improved, economical or desirable method, provided the Council of said City of Albany consents thereto by ordinance duly passed,

Section 3. For the purpose of laying down, repairing and reconstructing railway tracks authorized by this franchise, said A. Welch, his heirs, assigns or successors, shall not obstruct any street for a greater continuous distance than the length of (5) five blocks at any time, or for a longer period than four (4) weeks at any time, except that in case of bad weather, strikes, or other causes beyond the control of the holders of this franchise, said time may be extended at the discretion of the Council of said City of Albany.

Section 4. The tops of the rails of said tracks shall be laid flush with the established grade of said streets, and the tracks, curves and turn-outs shall be laid in such a manner as to least obstruct the public in the use of said streets, the rails used in said streets to be of weight not less than sixty pounds to the yard. The track shall be laid in the center of the street, except upon curves at the intersections of streets.

All poles that may be erected in the construction, maintenance and operation of said street-railway shall be placed along said streets so as to offer as little obstruction as possible to the passage of vehicles and pedestrians, and shall be placed at such points along said streets as shall be approved by the Street Superintendent of said City of Albany, or such other officials as the Council of said City may appoint for that purpose, said poles to be approved by and placed under the supervision of the Street Superintendent or the City Council.

Section 5. The said A. Welch, his heirs, assigns or successors, shall fill in or grade to the established grade, or the grade that may hereafter be established, and plank, pave, repair, reconstruct, repair and walk or sidewalks, and otherwise improve or repair and keep in good condition, from time to time when directed by the Council, and in such manner as the Council may direct, the expense of

Franchise for Elec. Railway

of the Street or Streets, and other public places along and over which the said railways are or shall hereafter be constructed, the whole width of said railways, and between the tracks, and for the width of one foot on the outside of the outer-most rails; Provided, that the holder of this franchise shall not be required to pave the tracks of said Railway, except upon Streets now paved, or that shall hereafter be paved, and when said Railway shall cross any stream or draw now bridged, or hereafter bridged by order of the Council, the holder of this franchise shall extend a bridge on both sides of the center of said Railroad to the Center line of the Streets and maintain the same in good condition for the passage of Wagons or vehicles used by the traveling public.

Section 6. Nothing in this Ordinance, or any right, privilege or franchise granted by this Ordinance, shall be construed to prevent the municipal authorities of the City of Albany from sewerage, grading, paving, planing, macadamizing, improving, altering or repairing any of the Streets over which the railways authorized by this Ordinance are constructed or operated; but all such work shall be done so as to cause as little obstruction or hindrance as possible to the cars, and the operating of said railways, and the owner or owners of said railway shall have the privilege of raising or shifting the tracks so as to avoid as far as possible obstructing the operation of cars during the progress of the Street improvement, sewerage, grading, paving, planing, macadamizing, improving, altering or repairing.

Section 7. In the event that the said A. Welch his heirs, assigns or successors, shall fail to construct and operate said Street Railway upon any Street or portion of Street the use of which is by this Ordinance granted to the said A. Welch, his heirs, assigns and successors, for Street railway purposes, within two years from the date of the acceptance of this franchise, then this franchise, as to such Street or portion

ORDINANCE No. 1164

Franchise for Elec. Railway.

of street not so used and occupied hereunder, shall be forfeited to the City of Albany.

Section 8. In the event that the said A. Welch, his heirs, assigns or successors, shall, during the life of this franchise, cease to operate said street railway upon any street or portion of street, the use of which is by this franchise granted to the said A. Welch, his heirs, assigns and successors for street railway purposes, for a continuous period of one year, then this franchise, as to such street or portion of street not so used and occupied hereunder, shall be forfeited to the City of Albany; and, in such case, the holder of this franchise shall forthwith remove his or their tracks and other property from such street or portion of street, and, on the removal thereof, shall restore and repair that portion of such street which, under the terms of this franchise, is to be kept in repair by the holder of this franchise, and placed the same in good order and condition for public travel.

Section 9. The passenger cars used by the grantee of this franchise, his heirs, assigns and successors, upon the lines of railways authorized by this Ordinance shall be of good construction and suitable for the comfort, convenience and safety of passengers. The rate of speed of cars shall not exceed ten miles per hour upon streets within the limits of the City of Albany, and no car shall be allowed to stop, or remain still upon any street crossing except to avoid accident, and no freight cars or trains of cars shall be left standing for more than one hour upon any of the streets granted under this franchise.

Section 10. The said A. Welch, his heirs, assigns or successors, may transport passengers over all the streets and places mentioned in section One of this Ordinance, at any time, and may transport freight, express, baggage and mail over all of its lines, at any time, except that freight shall not be transported on Third Street from Light to Beaufort Street between the hours of six o'clock A.M. and 10 o'clock P.M. nor shall

ORDINANCE No. 464

Franchise for Ele. Railway

more than one freight car at a time be transported on Lyon and Calaveria Streets without the consent of the City Council. The maximum rate of the fare for the transportation of passengers for a continuous trip over said streets herein specifically named is the sum of five (5) cents.

Section 11. The said rights, privileges and franchise herein granted shall terminate at the expiration of 30 years from the date this Ordinance becomes in force, and this franchise shall begin to run on the day this Ordinance becomes in force.

Section 12. The said A. Welch, his heirs, assigns or successors, shall within ten days after the approval of this Ordinance by the Mayor of the City of Albany, file in the Office of the Recorder of said City, a written acceptance of all the terms, conditions and provisions of this Ordinance and of the franchise herein granted, and shall surrender to said City of Albany all those certain privileges and franchises granted to the Albany Street Railway Company, and its assigns, by Ordinance No. 185 of said City of Albany, passed by the Council February 26th 1889, and approved by the Mayor February 28th 1889, now owned and held by H. Kirschberg, together with all those certain privileges and franchises granted to A. Welch, his heirs, assigns and successors by Ordinance No. 432 of said City of Albany, passed by the Council September 18th 1907, and approved by the Mayor September 19th 1907, and by Ordinance No. 443 of said City of Albany, passed by the Council May 15th 1908, and approved by the Mayor May 16th 1908.

Section 13. The said A. Welch, his heirs, assigns or successors, shall commence the construction of railway tracks in accordance with the provisions of this Ordinance on First Street from Washington to Lyon Street, thence South on Lyon Street to the Southern Pacific Railway Depot in said City of Albany, within one month from the acceptance of this franchise, and shall complete such portion of said railway system within six months from the date of the acceptance of this Ordinance.

ORDINANCE NO. 464

Franchise for Elec. Railway.

Section 14. That the said A. Welch, his heirs, assigns or successors, in consideration for said franchise, shall pay to the City of Albany an annual franchise license tax of one hundred dollars (\$100.00) per year, for the period of five years, commencing with the sixth year after the granting of this franchise. And the sum of two hundred dollars (\$200.00) per year, commencing with the eleventh year after the granting of this franchise, and for each and every year thereafter during the remainder of the said franchise period, or fractional part thereof, which said payments shall be made during the month of January of each year when such payments are to be made, and, if said payments are not made as herein set forth, the City Council may by resolution or Ordinance declare said franchise forfeited.

And the said A. Welch, for himself, and for his heirs, assigns or successors, further agrees to pay to the City of Albany any loss or damage to the said City of Albany, or suffered or sustained by reason of the construction or maintenance of said railway or the repairing or replacing all or any of the sidewalks, crosswalks, bridges or pavements that may be disturbed in the course of the construction, installation or repair of said railway or any part of it.

Section 15. That in the event the said A. Welch, his heirs, assigns or successors shall fail to maintain said street railway or passenger cars in first class condition and order, or shall refuse or fail to furnish an efficient service in the supplying of cars for passengers and for the public use at any time during the said term of this franchise, according to the terms of this franchise, the City of Albany shall have the right after the failure or refusal of the holder of this franchise for a period of thirty (30) days after due notice on the part of the City of such delinquency, to declare all rights and privileges herein granted forfeited, and upon said forfeiture this franchise shall become null and void, and the City Council of said City of Albany may require by resolution or ordinance, to take rails, ties, and other material belonging to the holder of said franchise.

ORDINANCE NO. 464
Franchise for Ele. Railway.

in or upon said streets to be removed, and substitute to be placed in good order and conditioned for public use.

Section 16. The right and power is hereby granted, and the consent of the said City of Albany is hereby given to the above named grantee of this franchise to transfer and convey the franchises and privileges by this Ordinance conferred upon him, his heirs, assigns and successors, to any person or firm, or to any corporation now formed or hereafter to be formed for the purpose of constructing, maintaining or operating a street railway system according to the terms and conditions of this Ordinance.

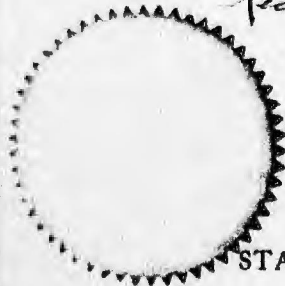
Section 17. Inasmuch as the public safety and convenience require the immediate improvement of the street railway system in the City of Albany, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its approval by the mayor.

Approved Oct. 14th 1908.

J. P. Wallace

Mayor of the City of Albany.

Attest:
J. M. Redfield
Recorder of the City of Albany.



CITY RECORDER'S CERTIFICATE.

STATE OF OREGON, }
COUNTY OF LINN, } ss.

I, J. M. REDFIELD, Recorder of the City of Albany, in Linn County, and State of Oregon, do hereby certify that the foregoing and annexed copy of

Ordinance No. 464

has been by me carefully compared with the original Ordinance Bill No. 495

now on file in my office, and that it is a true and correct copy of all and the whole of said

Ordinance Bill 495 passed by the Council of the City of Albany Oregon Oct. 13th 1908

Witness, my hand and official signature and the seal of the City of Albany, this

14th day of October 1908

J. M. Redfield

Recorder of the City of Albany.