

ORDINANCE NO. 520

Albany & Intermurban Railway Co.

Ord No 520

Albany &

Railway Co.

fulfilled S

down.

in, over and upon

of streets within

Beginning at a point

line of said city

Palom Road, and

to main street in

main street to the

in said city, then

Street in said city;

Street in said city

also, beginning at

the north end of

Hill Street in said

city and running

thence south on

said Hill Street

to the intersection

of Third and Hill

streets in said

city; also, beginning

at the intersection

of Second and

Ellsworth streets

in said city, and

running thence

south on Ellsworth

Street to Ellsworth

Street in said

city; also, beginning

at the intersection

of Tenth and

Ellsworth streets

in said city, and

running thence

east on Tenth

Street to Lyon

An Ordinance granting to the Albany and Intermurban Railway Company, its successors and assigns, the right, interest and privilege and franchise to lay, build, construct, maintain and operate lines of railway and a system of single track railway with convenient switches, turn-outs, crossovers, connections and turn tables, and for the purpose of operating said railway and conveying power and electric current for its use, to put up, erect, maintain and use poles, and overhead trolley wires and other wires, and to lay down, construct, maintain and use under currents, slots, conduits, underground wires, conductors, and cables, in, over and upon the following streets and portions of streets within the City of Albany, Oregon, to-wit:

Beginning at a point on the Eastern boundary line of said City where the same is intersected by Palom Road, and running thence westerly on Palom Road, as hereafter located by the City Council, to main Street in said City, thence westerly across main Street to the intersection of third and main Street in said City, thence westerly on Third Street, to Washington Street in said City; also, beginning at the north end of Hill Street in said City and running thence south on said Hill Street to the intersection of Third and Hill Streets in said city; also, beginning at the intersection of Second and Ellsworth Streets in said city, and running thence south on Ellsworth Street to Ellsworth Street in said City; also, beginning at the intersection of Tenth and Ellsworth Streets in said city, and running thence East on Tenth Street to Lyon Street in said city; also, beginning at the intersection of Second and Lyon Streets in said City and running thence West on Second Street, to the intersection of Second and Calaponia Streets in said city; also, beginning at the intersection of Second and Washington Streets in said City, and running thence South on Washington Street to Sixth Street in said City, thence West on Sixth Street to Maple Street in said City, thence South on Maple Street to Eighth Street in said City, thence West on Eighth Street in said City to the Western boundary line of said city.

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

Section 1. That there be and hereby is granted

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unto the Albany & Interurban Railway Co. a corporation of Albany, Oregon, its successors and assigns, the franchise, right and privilege to lay down, construct, maintain and operate lines of Railway and a system of single track railway with crossovers, switches, turnouts, curves, crossovers, and turn tables, and for the purpose of operating said railway and conveying power and electric current for its use, to put up, erect, maintain and use poles and over-head trolley-wires, and other wires, and to 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 portions of streets within the said City of Albany, Oregon, to-wit:

Beginning at a point on the Eastern boundary line of said city where the same is intersected by Selma Road and running thence Westerly on Selma Road as hereafter located by the City Council to main Street in said city, thence Westerly across main Street to the intersection of Third and main Streets in said city, thence Westerly on Third Street to Washington Street in said city; also, beginning at the North end of Hill Street in said city and running thence South on said Hill Street to the intersection of Third and Hill Streets in said city; also, beginning at the intersection of Second and Ellsworth Streets in said city, and running thence South on Ellsworth Street to Elmth Street in said city; also, beginning at the intersection of Tenth and Ellsworth Streets in said city, and running thence East on Tenth Street to Lyon Street in said city, also, beginning at the intersection of Second and Lyon Streets in said city, and running thence West on Second Street to the intersection of Second and Calapooie Streets, in said city; also, beginning at the intersection of Second and Washington Streets in said city, and running thence South on Washington Street to Sixth Street in said city, thence West on Sixth Street to maple Street in said city, thence South on maple Street to Eighth Street in said city, thence West on eighth in said city, to the western boundary line of said city.

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Section 2, The said Albany & Interurban Railway Co. its successors and assigns may operate and propel cars over and upon the railway lines mentioned in Section 1. of this ordinance by means of overhead or underground electric power, storage batteries, compressed air, cables or other mechanical power, except steam, and may at any time change the motive power and mode of operating and propelling cars for any more improved, economical, or desirable method with the consent of the Council of said City of Albany, given by ordinance duly passed.

Section 3, For the purpose of laying down, repairing and constructing the railway tracks authorized by this franchise, said Albany & Interurban Railway Co. its successors and assigns, shall not obstruct any street for a greater continuous distance than the length of five (5) 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 seventy pounds to the yard.

The track shall be laid in the center of the street, except upon curves at the intersection of streets, and at such other places as the Council may by ordinance permit. 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 a 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 officials as the Council of said City

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may appoint for that purpose, said poles to be affixed by and placed under the supervision of the Street Superintendent or the City Council.

Section 5. The said Albany & Interurban Railway Co., its successors and assigns, shall fill in or grade to the established grade, or the grade that may hereafter be established and plank, pave, repair, reconstruct, and repair crosswalks, or sidewalks, and otherwise improve or repair and keep in good condition from time to time, whenever directed by the Council, and in such manner as the Council may direct, those portions of the street or streets and other public places along and over which the said railway are or shall hereafter be constructed, the whole width of said railway between the tracks, and for the width of one foot on the outside of the outermost rails, provided, that the holder of this franchise shall not be required to pave between 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 railway to the curb line of the street 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 operation of said railway, and the owner or owners of said railways 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.

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Section 7.

In the event that the said Albany & Interurban Railway Co. its successors and assigns, 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 Albany & Interurban Railway Co. its successors and assigns, 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 of street not so used and occupied hereunder, shall be forfeited to the City of Albany, or in the event that the said Albany & Interurban Railway Co. shall fail to have in operation a railway line between the City of Lebanon, or the City of Brownsville, Oregon, within two years from the date of the acceptance of this franchise, or such further time as may be granted by the Council, then this franchise shall be forfeited to the City of Albany.

Section 8. In the event that the said Albany & Interurban Railway Co. its successors and assigns, 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 Albany & Interurban Railway Co. its successors and assigns for street railway purposes, for a continuous period of one year after 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 its 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 place the same in good order and condition for public travel.

Section 9. The passenger cars used by the grantee of this franchise, its successors and assigns, upon the lines of railways authorized by this ordinance shall be of good construction and suitable for the comfort, convenience and safety of passen-

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gerv. 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 car or trains of freight cars shall be left standing for more than one hour upon any of the streets granted under this franchise.

Section 10. The said Albany & Interurban Railway Co. its successors and assigns, 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 second Street from Lyon to Calceponia Streets between the hours of six o'clock A. M. and 10 o'clock P. M. provided that not more than one freight car shall be hauled over any Street West of Hill Street and East of Washington Street in said City, at any one time. The maximum rate of the fare for the transportation of passengers for a continuous trip in one direction over said streets herein specifically named is the sum of five (5) cents.

Section 11. The said rights, privileges and franchises herein granted shall terminate at the expiration of twenty-five 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 Albany & Interurban Railway Co. its successors and assigns, shall within thirty days after the approval of the 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.

Section 13. That the said Albany & Interurban Railway Co. its successors and assigns

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in consideration for said franchise, shall pay to the City of Albany, an annual franchise license tax of One hundred Dollars (\$100⁰⁰) 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 (\$200⁰⁰) 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 Albany & Interurban Railway Co., for itself, its successors and assigns, further agrees to pay to the City of Albany, any loss or damage to the said City of Albany, may suffer or sustain by reason of the construction or maintenance of said railway or the repairing or replacing of all or any of the said walks, 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 14. That in the event the said Albany & Interurban Railway Co., its successors or assigns, 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 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 heretofore 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

