

ORDINANCE No. 558.

Installing a Gas Plant by W. H. Mc Goldrick.

Ord 558. An Ordinance granting to W. H. Mc Goldrick representing a Gas Plant a Gas franchise will be assigned, its heirs, executors, administrators and assigns, the right, franchise and privilege to supply the City of Albany and the inhabitants thereof, and other persons, with gas for illuminating, fuel power and other purposes, and for said purposes to construct works and lay pipes in the streets, alleys and all public places in said City, and to charge a reasonable price therefor.

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

That there is hereby granted to W. H. Mc Goldrick representing a corporation to be hereafter formed and to which this franchise will be assigned, its heirs, executors, administrators and assigns, hereinafter referred to as the grantee, the right to construct, acquire, maintain, conduct and operate a plant or plants for the manufacture and distribution of gas for illuminating, fuel, power and other purposes in the City of Albany, State of Oregon, and to lay pipes, mains and connections for the purpose of conducting and distributing said gas throughout said City as hereinafter specified.

Section 1.

That there be and hereby is granted unto said grantee full franchise, right, license and privilege to construct, acquire, maintain, conduct and operate works for the manufacture of gas, and its by products, for illuminating, fuel, power and other purposes within the City of Albany, and to distribute, furnish, provide, sell or otherwise dispose of gas, and its by product in the City of Albany for illuminating, fuel, power and other purposes, and to construct, acquire, operate and maintain a gas pipe line system, with all the necessary feeder and service pipes in connection therewith, on, along, upon and under all streets, avenues, lanes, alleys, squares, bridges, viaducts and other public places in said City, provided, however, that in all cases where practicable said pipes shall be laid in alleys in such a manner as not to unnecessarily disturb or tear up the streets; and provided further that no public square, or public place of like nature, shall be disturbed or torn up if there be a practicable way of laying pipes around it.

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In all cases before the grantee, or any of its agents or servants, shall open or excavate any street for the purposes above set forth, it shall file with the City Recorder a plan showing the street, or other public places wherein it is intended to lay the said mains or pipes, and the City Council may, at its option, appoint an official to supervise such work.

Section 2.

The grantee shall construct the necessary plant for the manufacture and distribution of gas and its by-products, and shall lay sufficient mains and pipes to reasonably furnish gas for public service on or before the thirty first day of December, 1912; provided, however that in case of delay caused by inclement weather, litigation, strikes, or delay in manufacture or distribution of the necessary material for the completion of the work to have set forth beyond the control of the said grantee, then and in that event the time for the completion thereof shall be extended beyond the period limited in this section for a period of time equal to the sum of all the delays so caused; provided, however that in any event the grantee shall lay and install main pipes in advance of any paving to be done upon any of said streets upon which permanent paving may be ordered by the Council of the said City of Albany prior to said thirty first day of December, 1912.

Section 3.

The said grantee shall do no permanent injury to any street or sidewalk or in any manner disturb or interfere with any sewer, conduit or other underground work now laid or hereafter to be laid by the said City; and when any excavation shall be made by grantee, any street, pavement, sidewalk, or other public property disturbed by said excavation shall promptly be restored by grantee to conditions equally as good as before said excavation was made.

The grantee in working upon any street shall provide reasonable safeguards for the protection of the public and grantee shall be liable for any and all damages legally awarded for injuries suffered by any person or by the City by reason of the construction, operation and maintenance of the gas

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plant under this franchise and grantee shall save the City harmless in the premises or for any damage or expense of litigation by reason thereof.

Section 4.

The grantee shall not open nor encumber any street to an extent more than may be necessary to proceed to advantage with the laying of the mains, pipe feeders and service pipes herein provided, nor permit any such street to remain open or encumbered for a longer period of time than may be necessary to reasonably execute the work for which the said street shall have been opened.

Section 5.

The grantee shall reasonably extend its mains and pipes and use diligence to serve any and all applicants with its gas and for such readiness to serve may make as a minimum not less than a charge of One Dollar (\$1.00) for each meter; provided, however that the grantee shall not be required to extend its mains more than One Hundred (100) feet to supply any single consumer with gas.

Section 6.

The grantee shall at all times impartially serve gas consumers within said City and the maximum price which grantee may charge for each 1000 cu. ft. of its gas shall be as follows:

Until its average daily sales in said City amount to Two Hundred and Fifty Thousand (250,000) cu. ft. the charge shall be at the rate of One and 5/100 Dollars (\$1.50) per 1000 cu. ft.

When the average daily sales amount to Two Hundred and Sixty Thousand (260,000) cu. ft. the charge shall be at the rate of One and 45/100 Dollars (\$1.45) per 1000 cu. ft.

When the average daily sales amount to Two Hundred and Seventy Thousand (270,000) cu. ft. the charge shall be at the rate of One and 40/100 Dollars (\$1.40) per 1000 cu. ft.

When the average daily sales amount to Two Hundred and Eighty Thousand (280,000) cu. ft. the charge shall be at the rate of One and 35/100 Dollars (\$1.35) per 1000 cu. ft.

When the average daily sales amount to Two Hundred and Ninety Thousand (290,000) cu. ft. the charge shall be at the rate of One and 30/100 Dollars (\$1.30) per 1000 cu. ft.

When the average daily sales amount to Three Hundred Thousand (300,000) cu. ft. or above, the charge shall be at the rate of One and 25/100 Dollars (\$1.25) per 1000 cu. ft.

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Section 7.

The rights and privileges herein contained are granted upon each and all the conditions, provisions and reservations of this ordinance and the statutes of the State of Oregon, and upon compliance therewith by the grantee this Ordinance shall be in force for a term of Fifty (50) years from and after the date of its passage.

Section 8.

As full compensation to the City of Albany for the granting of this franchise the said City agrees to accept from grantee, and the said grantee agrees to pay unto the said City, the following sums, to-wit: from and after the date of beginning the sale of gas to the end of the next full calendar year thereafter, a sum amounting to one-half of one per cent ($\frac{1}{2}\%$) of its gross sales and for each calendar year thereafter an additional sum amounting to one half of one per cent ($\frac{1}{2}\%$) until a total of two and one-half per cent ($2\frac{1}{2}\%$) is reached after which the annual payment shall remain and continue at the said rate of two and one-half per cent ($2\frac{1}{2}\%$) until the termination of this franchise.

The City Council or its designated agents shall have the right to examine the books of the said grantee for the purpose of verifying the amount of said gas sales and may require grantee to furnish a sworn statement annually of the said gas sales and the amount due and payable to said City, and which payment shall be made not later than March first of the year following that in which the gas was sold.

Section 9.

In the event that said grantee fails for a period of three consecutive months at any time after the completion of the plant, to furnish gas, except when said failure may be occasioned through destruction by fire, or the elements, or other unavoidable casualty, this franchise may be cancelled by the City Council after reasonable notice to grantee.

Section 10.

Whenever any grade or grades of any street within the said City shall be changed or established, if none has been established prior to the time of the laying of grantee's mains and pipes thereon

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grantee shall, at its own expense, change the said mains and pipes to conform with the grade so established or changed.

Section 11.

The grantee shall at its own cost and expense furnish meters to any and all consumers for the measuring of its gas and such meters shall, at all reasonable times, be subject to inspection by a proper city official and by grantee.

Section 12.

The grantee shall file its written acceptance of this ordinance within thirty days from the date this ordinance takes effect, otherwise this ordinance may be declared null and void by the City Council.

Section 13.

Whenever the words "street" or "streets" are used herein it shall be construed to mean all streets, avenues, lanes, alleys, squares, bridges, viaducts and other public places in said City.

Whenever the word "grantee" is used herein it shall be construed to include all legal heirs, executors administrators and assigns of grantee.

Section 14.

The grantee, at the time of the acceptance of this franchise, shall furnish to the said City of Albany a good and sufficient bond in the sum of One Thousand (\$1000.00) Dollars for the installation and completion of the necessary plant for the furnishing of gas in conformity with the provisions of this ordinance.

Section 15.

Whenever any transfer or assignment of this franchise is made written notice thereof shall be filed with the City Recorder of the City of Albany and duly entered upon the records of the said City of Albany by the said Recorder.

Section 16.

It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety; there is an emergency is hereby declared to exist and this ordinance shall take effect and be in force from and after its approval by the Mayor.

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Passed the Council Sept 27th 1911.
Approved Sept 30th 1911.

J.P. Wallace
Mayor.

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

CITY RECORDER'S CERTIFICATE

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

I, F. 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. 558
has been by me carefully compared with the original Ordinance bill No. 613
now on file in my office, and that it is a true and correct copy of all and the whole of said Ordinance bill No. 613, as passed by the Council of the City of Albany, Oregon Sept 27, 1911

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

30 day of Sept 1911

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