

ORDINANCE NO. 561.

Executing deed to the Oregon Electric Railway Co.

Ord 561
Executing
deed to
the O. E.
Ry Co.
An Ordinance authorizing and directing the Mayor and City Recorder to execute a deed conveying to the Oregon Electric Railway Company, a corporation, its successors or assigns, certain property belonging to the City of Albany, conveyed to said City of Albany in the name of the "Common Council of the City of Albany and State of Oregon," and in confirmation of a certain deed heretofore executed in behalf of the City of Albany.

Whereas, by an Ordinance No. 557 entitled "An Ordinance granting to the Oregon Electric Railway Company a corporation, its successors or assigns, certain property belonging to the City of Albany as a right of way and authorizing the Mayor and City Recorder to execute the necessary deed therefor," passed by the Council Sept 27, 1911, and approved by the Mayor September 27, 1911, the Mayor and City Recorder were authorized, directed and empowered to execute and deliver unto said Oregon Electric Railway Company, a corporation, a proper and sufficient deed for the hereinafter described real estate, the same to be executed in the name of the City of Albany, duly attested under the seal of said City by said City Recorder,

And whereas, the said Mayor and Recorder, in pursuance of said Ordinance No. 557, above mentioned, did, in the name of the City of Albany, execute and deliver said deed aforesaid, to said Oregon Electric Railway Company, on the twentieth day of November, 1911.

And whereas, the City of Albany acquired title to said premises on or about January 16, 1869 by virtue of a certain deed from Ann Payton and John Payton, her husband, and in said deed the grantee was designated as "Common Council of the City of Albany and State of Oregon."

And whereas, in order to correct its record title to said property so conveyed by the Mayor and City Recorder, as aforesaid, the said Oregon Electric Railway, a corporation, has applied to the Common Council of the City of Albany for a confirmatory deed, the same to be executed in behalf of the Council of the City of Albany by the Mayor and Recorder of said City in the name of "Common Council of the City of Albany and State of Oregon."

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And Whereas, the Common Council of the City of Albany consists of the following members, to-wit: L. B. Marshall, J. H. Simpson, F. J. Miller, J. N. Chambers, R. A. Snell and L. M. Leurb,

Therefore, the People of the City of Albany do ordain as follows:

Section 1. That the Mayor and City Recorder be, and they are hereby, authorized, directed and empowered to execute and deliver unto said Oregon Electric Railway Company, a corporation, a proper and sufficient deed, the same to be executed in the name of "Common Council of the City of Albany and State of Oregon"; which name shall include, and be in behalf of the members of said Common Council, to-wit: L. B. Marshall, J. H. Simpson, F. J. Miller, J. N. Chambers, R. A. Snell and L. M. Leurb, conveying to said Oregon Electric Railway Company, its successors or assigns, for railway purposes, for the consideration of the sum of one dollar (\$1.00), and in confirmation of said deed heretofore made, a strip of land eighty (80) feet wide across the property of the City of Albany, said strip of land being described as follows, to-wit:

Commencing at the northeast corner of Anderson Cox's Donation Land Claim No. 49, thence westerly along the north boundary line of said Claim a distance of 1610.9 feet, more or less, to a point, said point being thirty (30) feet from and at right angles to the center line of the Oregon Electric Railway, as the same is now located, and on the easterly side thereof, which is the place of beginning; thence parallel to and thirty (30) feet from said Railway Company's center line and extending in a south westerly direction a distance of 348.6 feet, more or less, to an intersection with the line between the land now owned by the City of Albany and that owned by Linn County; thence north westerly along the line between the land now owned by said City of Albany and that owned by Linn County a distance of eighty (80) feet, more or less, to a point, said point being fifty (50) feet from and at right angles to the said Railway Company's center line and on the westerly side thereof; thence parallel to and (50) fifty feet from said Railway Company's center line and extending in a northeasterly direction

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a distance of 287.2 feet, more or less, to an intersection with the line between the land now owned by the City of Albany and that owned by J. W. Currier, thence easterly along the line between said City of Albany and Currier a distance of one hundred six (106) feet, more or less, to the place of beginning containing 0.57 acres, more or less said land lying in Section 4 Township 11 South, Range 3 West, Willamette Meridian, in Linn County, Oregon.

Section 2. Whereas the purpose of this Ordinance, is to enable the said Oregon Electric Railway Company, its successors or assigns, to build, operate and maintain a line of railway which shall connect the City of Albany with the cities of Portland, Salem and other Willamette Valley towns which said line of railway will greatly improve the railway service to and from the City of Albany and thereby greatly add to the public convenience as to the carriage of passengers and freights, and cause competition in freight rates to the betterment of the service and improvement of said City of Albany, and thereby promote the public peace, health and safety of said City and that therefore it is necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Albany that this Ordinance shall become immediately operative an emergency is hereby declared to exist, and this Ordinance shall take effect immediately after its passage by the Council and approval by the Mayor.

Approved Nov 25th 1911
J. P. Wallace
Mayor.

Attest

Recorder of the City of Albany.

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. 561

has been by me carefully compared with the original Ordinance bill No. 617 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. 617, as passed by the Council of Albany Oregon Nov 24th 1911.

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

25th day of Nov 1911

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

ORDINANCE NO.

Assignment of Gas Franchises.

Original of Assignment

W. A. Mc Boldrick } { Filed Nov. 24th 1911.
to } F. M. Redfield
Leon P. Lowe } City Recorder.

Know all men by these presents:

That, I, W. A. Mc Boldrick, to whom a franchise was granted by the City Council of the City of Albany, State of Oregon, under and by virtue of Ordinance Number Five Hundred and Fifty-eight (558) passed by said City Council on the 27th day of September, 1911, and approved on the 30th day of September, 1911, by the Mayor of said City of Albany, Or and in consideration of the sum of \$1000 Dollars to me in hand paid, the receipt of which is hereby acknowledged, have sold, assigned, transferred and set over, unto Leon P. Lowe, of the City and County of San Francisco, State of California, the said franchise together with all the rights and privileges in and by said Ordinance, Number Five Hundred and Fifty eight (558) granted to me, and subject to all the conditions imposed upon me as grantee of said franchise under and by the terms of said Ordinance. It being the intent of this assignment to substitute said Lowe for me and in my name, place and stead, for the purpose of forming a corporation to take over and carry out the terms of said franchise in accordance with the provisions thereof.

In Witness Whereof, I have hereunto set my name at the City of ^{and County} San Francisco, State of California, this 22nd day of November, 1911.

W. A. Mc Boldrick.

State of California }
City and County of San Francisco } S. S.

Not.

On this 22nd day of November in the year One Thousand Nine Hundred and Eleven before me, M. D. Lawrence, a Notary Public in and for said City and County residing therein, duly commissioned and sworn, personally appeared W. A. Mc Boldrick, known to me to be the person described in, whose name is subscribed to, and who executed the within and annexed instrument and he acknowledged to me that he executed the same. In Witness Whereof, I have hereunto set my hand and affixed my official seal, at my office in the said City & County of San Francisco the day & year last above written. M. D. Lawrence
Notary Public

Seal

ORDINANCE NO.

Acceptance of Gas Franchise by

W. H. Mc Goldrick and Leon P. Lowe.

Filed Nov 24th 1911.

F. M. Redfield

City Recorder.

Know all Men by these presents:

That we, W. H. Mc Goldrick, the person to whom by Ordinance No. 558 of the City Council of the City of Albany, in the State of Oregon, a franchise was granted for the construction and maintenance of a gas plant in the said City of Albany, and Leon P. Lowe, to whom the said franchise has been assigned by said W. H. Mc Goldrick, hereby accept said franchise in accordance with the terms and provisions of said Ordinance No. 558, reference to which is hereby specifically made for a full description of the terms and conditions therein set forth, and in accordance with such acceptance we hereby tender to the City of Albany, said State, a good and sufficient bond in the sum of One thousand dollars, (\$1,000) for the installation and completion of the necessary plant for furnishing gas in conformity with the provisions of said Ordinance.

In Witness Whereof we have hereunto set our hands and seals at the City and County of San Francisco, State of California, this 22nd day of November, 1911.

W. H. Mc Goldrick.

Leon P. Lowe.



State of California

City and County of San Francisco.

} S. S.

On this 22nd day of November in the year One thousand Nine Hundred and Eleven before me, M. J. Lawrence, a Notary Public in and for said City and County residing therein, duly commissioned and sworn, personally appeared W. H. Mc Goldrick and Leon P. Lowe known to me to be the persons described in, whose names are subscribed to, and who executed the within and annexed instrument, and they acknowledged to me that they executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal, at my office, in the said City and County of San Francisco, the day and year last above written.

Signed

M. J. Lawrence,

Notary Public

in & for the City & County of San Francisco
State of California

ORDINANCE No.

Power of Attorney.

The Title Guaranty
& Surety Company }
to
Gordon Scott.

Filed for Record
Nov. 27th 1911.
F. M. Redfield,
City Recorder.

Power of Attorney

I know all Men by these Presents:
That, The Title Guaranty and Surety Company, a body corporate
duly incorporated under the laws of the Commonwealth of
Pennsylvania, and having its principal office in Scranton,
Penn., does hereby constitute and appoint Gordon Scott
of the City of San Francisco in the State of California, as
its true and lawful attorney for it and in its name, place
and stead, to do and perform any and all acts and
things set forth in the resolution of the Board of Directors
of the said The Title Guaranty & Surety Company, a certified
Copy of which is hereto annexed and made a part of this
Power of Attorney, giving its said attorney full power to
do everything whatsoever requisite and necessary to be
done in the premises, as fully as said The Title Guaranty
& Surety Company, itself or its officers could do.

In Witness Whereof, the said The Title Guaranty & Surety
Company has caused this instrument to be sealed with its
corporate seal, duly attested by the signatures of its Vice-
President and Assistant Secretary, this 2nd day of
October A. D. 1911.

The Title Guaranty & Surety Company
by B. P. Keating
Vice President.

Attest:
B. P. Keating, Jr.
Assistant Secretary.



Commonwealth of Pennsylvania } S. S.
 County of Lackawanna,

On this 2nd day of October A. D. 1911, before me personally came B. P. Keating, Vice President of The Fidelity Guaranty & Surety Company, and B. C. Keating, Jr. Assistant Secretary of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said that they resided in the City of Scranton, Pennsylvania; that they, the said B. P. Keating and B. C. Keating, Jr. were respectively the Vice President and Assistant Secretary of the said The Fidelity Guaranty & Surety Company the Corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said Corporation; that the seal affixed to the said Power of Attorney was such corporate seal; that it was so affixed by order of the Board of Directors of said Corporation, and that they signed their names thereto by like order, as Vice President and Assistant Secretary, respectively, of said Company.

Johnson E. Harney,

Notary Public

My Commission Expires March 10th 1913.

Seal.

Resolutions Passed by the Board of Directors of
 The Fidelity Guaranty & Surety Company.
 June Eleventh, 1910.

Whereas, It is necessary for the effectual transaction of such business that this Company should appoint and attorneys with power and authority to act for it, and in its name;

Therefore, Be it resolved that this Company do, and it hereby does, authorize and empower its President or either of its Vice Presidents, in conjunction with its Secretary or Assistant Secretary, under its corporate seal, to appoint any person or persons an attorney or attorneys-in-fact, or agent or agents of said Company, in its name and as its act, to execute and deliver any and all contracts guaranteeing the fidelity of persons holding positions of public or private trust; guaranteeing the performance of contracts and executing or guaranteeing bonds and sureties required or permitted in all actions or proceedings, or by law allowed; and

ORDINANCE NO.

Also, In its name, and as its attorney or attorneys-in-fact, or agent or agents, to make, execute, seal and deliver all bonds and undertakings required under Chapter 282 of the Revised Statutes of the United States, entitled, "An Act relative to recognizances, stipulations, bonds and undertakings, and to allow certain corporations to be accepted as surety thereon," passed August 13th 1894, and amended March 23rd, 1910; and,

Also, In its name, and as its attorney or attorneys-in-fact, or agent or agents, to execute and guarantee the conditions of any and all bonds, recognizances, obligations, stipulations, undertakings, or anything in the nature of either of the same, which are or may by law, municipal or otherwise, or by any statute of the United States, or of any State in the United States or by the rules, regulations, orders, customs, practice or discretion of any board, body or organization, office or officer, local, municipal or otherwise, be allowed, required or permitted to be executed, made, taken, given, tendered, accepted, filed or recorded, for the security or protection of, by or for any person or persons, corporation, body, office, interest, municipality, or other association or organization whatsoever, in any and all capacities, whatsoever, conditions for the doing or not doing of any thing, or any conditions which may be provided for in any such bond, recognizance, obligation, stipulation or undertaking, or anything the nature of either of the same; and,

Also, In its name and on its behalf, and as its attorney or attorneys-in-fact, agent or agents, to justify on any instrument, heretofore described, which shall have been executed by or on behalf of this Company, with power to attach thereto the seal of the said Company.

Also, In its name and on its behalf, and as its attorney or attorneys-in-fact, agent or agents, to ask, demand, collect and receive any and all premiums on any and all contracts of this Company coming due and payable in any State, and to give proper acquittances and discharges therefor.

Resolved, Further: That the President or either of the Vice Presidents, in conjunction with the Secretary or Assistant Secretary of this Company, are hereby authorized and empowered to make, execute and deliver on behalf of this Company, and in its name, and under its seal, any power or powers of attorney that may be required to carry out the purposes and objects of the foregoing resolutions.

ORDINANCE NO.

Also, In its name, and as its attorney or attorneys-in-fact, or agent or agents, to make, execute, seal and deliver all bonds and undertakings required under Chapter 282 of the Revised Statutes of the United States, entitled, "An Act relative to recognizances, stipulations, bonds and undertakings, and to allow certain Corporations to be accepted as surety thereon," passed August 13th 1894, and amended March 23rd, 1910; and,

Also, In its name, and as its attorney or attorneys-in-fact, or agent or agents, to execute and guarantee the conditions of any and all bonds, recognizances, obligations, stipulations, undertakings, or anything in the nature of either of the same, which are or may by law, municipal or otherwise, or by any statute of the United States, or of any State in the United States or by the rules, regulations, orders, customs, practice or discretion of any board, body or organization, office or officer, local, municipal or otherwise, be allowed, required or permitted to be executed, made, taken, given, tendered, accepted, filed or recorded, for the security or protection of, by or for any person or persons, corporation, body, office, interest, municipality, or other association or organization whatsoever, in any and all capacities, whatsoever, conditions for the doing or not doing of anything, or any conditions which may be provided for in any such bond, recognizance, obligation, stipulation or undertaking, or anything the nature of either of the same; and,

Also, In its name and on its behalf, and as its attorney or attorneys-in-fact, agent or agents, to justify on any instrument, heretofore described, which shall have been executed by or on behalf of this Company, with power to attach thereto the seal of the said Company.

Also, In its name and on its behalf, and as its attorney or attorneys-in-fact, agent or agents, to ask, demand, collect and receive any and all premiums on any and all contracts of this Company coming due and payable in any State, and to give proper acquittances and discharges therefor.

Resolved, Further: That the President or either of the Vice Presidents, in conjunction with the Secretary or Assistant Secretary of this Company, are hereby authorized and empowered to make, execute and deliver on behalf of this Company, and in its name, and under its seal, any power or powers of attorney that may be required to carry out the purposes and objects of the foregoing resolutions.

ORDINANCE No.

I, B. P. Keating, Jr. Assistant Secretary of the Title Guaranty & Surety Company, hereby certify that at a regular meeting of the Board of Directors of said Company, duly called and held at the office of the Company in the City of Decatur, on the 11th day of June, 1910 at which was present a quorum of said Directors, duly authorized to act in the premises, Resolutions were passed and entered on the minutes of said Company, of which resolutions the foregoing is a true copy and of the whole thereof.

In Witness Whereof, I have hereunto affixed my hand and the seal of the Title Guaranty & Surety Company, this 2nd day of October A. D. 1911.

B. P. Keating, Jr.
Assistant Secretary.

