

Amend by Ord  
Ordinary needed by City 1914

# ORDINANCE NO. 575

Ord 575 An Ordinance granting to Oregon Electric Railway Company, a corporation, its successors and assigns, the franchise or right to lay, Amend 1323 construct and maintain street cars, or other railway tracks, and to operate street cars and trolley cars, ambulances, and passenger, mail, baggage and express horses, mowers and upstage carriages, and to erect, maintain, repair and remove poles, telephone and telegraph lines in the City of Lebanon.

**Part Rep 1314** The People of the City of Lebanon do ordain as follows:

Section 1. That there be and is hereby granted to the Oregon Electric Railway Company, a corporation, its successors and assigns, the franchise or right to lay, construct and maintain single track railroads of lumber guiders, and such passenger cars, switchers, cutters and connections and other equipment as it may deem necessary or convenient, and to operate double-deck street cars or other cars thereon, and to pay rent, fares, wages, mill tags, and expenses thereon, and also present upon the construction herein after specified, a portion following named streets and highway, the City of Lebanon, Oregon, to-wit:

Bounding all the western boundary of the city of Lebanon, where said boundary is bounded to the left by Street, thence eastwardly along left Street to the eastern end of Middle Street; thence in a general easterly direction, north of the right of way of the Southern Pacific Railroad to such a point on the eastern boundary of said City as may be selected by said grantee, and over and across all the following streets, to-wit: Baker Street from Fourth west to.

To this and the right and privilege of constructing and maintaining no other, the street above described, in a straight line, a road or highway in the city for Oregon Electric Railway Company, its successors and assigns, to the purpose of carrying passenger and freight cars, and for the operation of its cars, with the right and privilege of constructing and maintaining all necessary and convenient poles, and service lines in connection therewith.

Section 2. That there be and is hereby granted to said Oregon Electric Railway Company, its successors and assigns, the franchise or right to construct and maintain street cars to run on the several roads and alleys hereinafter set out on either

side of the several roads and alleys hereinafter set out on either

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cars however, nor private property and private rights of way which said company may now have or hereafter acquire, and to connect the same with the tracks mentioned in Section 1 of this Ordinance, and for such purpose said tracks might be constructed across any and all intervening streets and sidewalks at such points as said Company may decide necessary or convenient to make such connections, and walls to support and to support the intervening streets to be constructed and maintained in such manner as to not to interfere with the movement as in this Ordinance provided as to the tracks mentioned in Section 1 of this ordinance.

Section 3. That there be and is hereby granted to said Oregon Electric Railway Company, its successors and assigns, the right to lay, construct, maintain and take up side tracks, switchbacks, other equipment upon the tracks or tracks hereinbefore mentioned, upon and over such private properties as it may own, hold or be able to acquire, for use as car barns, power houses, terminals and other purposes, or into, upon and over any property contiguous to said tracks, provided that where such track or tracks shall cross sidewalks the same shall be planed, or otherwise laid and maintained in order by the Company, and so as not to interfere with or interfere with or damage said sidewalks.

Section 4. The Oregon Electric Railway Company, its successors and assigns, shall lay, construct and maintain said tracks so as to be parallel to the grade of said streets, and in such manner as not to unnecessarily interfere with public use thereof, provided, however, that if the grade of any of said streets shall not have... previously established, the City Council, upon request of the Oregon Electric Railway Company, its successors and assigns, prior to the commencement of the construction of said tracks, will establish such grade as the City Council or the Mayor of the City of Portland may determine, within the limits of a city of Portland, and said City Council, upon the same being certified to the City of Portland, in the correctness of the grade so certified,

Section 5. Said Oregon Electric Railway Company shall have the right to make, lay and maintain any and all parts of the construction, under super or maintenance of said tracks, but no portion of said tracks shall be located or placed closer than one-half mile from the original boundaries, practically, and said Company, its successors and assigns, shall, during the term of its franchise, keep the portions of said streets open within a distance of one-half mile including the width of the tracks, to the end of all of said areas between the said open tracks and to the end of all

Section 6. That the said right is hereby granted to  
the New Electric Rail Way Company, and its successors or assigns,  
the power or right to erect poles and construct and maintain  
telephone or telegraph lines upon the road to and from the hereinbefore  
mentioned all poles, wires and equipment to be so placed and or main-  
tained as not to unreasonably interfere with the travel along all  
streets, and subject to the authority of the City Council; Provided, however, that  
all poles shall be within the jurisdiction of the City and Railway Company,  
its successors and assigns, which are listed.

Section 7. In the construction of the city may bridge or  
troughs decorated in this manner is given below by grantee granted unto  
the Oregon Electric Rail road Company, its successors, assigns, to  
put in bridges crossings, on the line, such like as ornate tents,  
painted to stand to the post houses near enough to the rail road to main-  
tain the same painted with wood blocks, bunting, & a flag if required  
to reflect shallowness, defining for men, or, and a wide  
waterways known as the Six mile River at its intersections, on Main  
Street and White Bear, and also to all other ways, according to the  
crossed to the construction of the elevation of the roadway the same  
may be timber bridge, <sup>or</sup> masonry, that is to say, made up upon the  
city of Alton to connect the corners, or three corners of the said  
Six miles Six mile other waterways, so convenient for crossings. All  
the bridges aforesaid to be maintained for the said Oregon Company  
its successors, or assigns, for the benefit of the public.

Section 8. Within measurable time after the completion  
of the construction of said railway back to back with its unincorporated  
city, and until such time as the City may, by written resolution of the  
City Council, so direct, or

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the Railway Company, its successors and assigns, shall part the space between the rails of each track and for a foot width therebetween with plank, crushed rock or gravel, and cause the same to be kept in the said space practicable so as to make it convenient to cross said tracks with teams.

**Section 9.** That no steam engine employed in all its activity, or car, or other than steam, provided that steam is used for operation of an engine construction purpose, or temporarily in case of accident or emergency, and freight cars shall not be left upon the tracks after the time this ordinance becomes effective, except at times as the City Law or a law established by the State Legislature or a court cause shall in that event of said New York Electric Railway Company, and except during construction of its railway line, which construction to expire October 1st, 1912, and except no fills street west of Elm Street.

**Section 10.** The rate of speed of all cars shall not exceed twelve (12) miles per hour within the corporate limits of the City of Albany and cars stopping at crossings shall not obstruct other streets of said City.

**Section 11.** The fare or charge to be made for transportation of each passenger, for a continuous trip in the direction within the limits of the City of Albany, shall not exceed the sum of five (5) cents.

**Section 12.** The cars upon said railway shall be carriage of passengers shall be of sufficient construction for the comfort and convenience of passengers, so as to render a reliable and ample service, such as the passenger traffic demands, maine maintained in said City, provided however that wrecks, strikes, and other causes not within the control of said Railway Company which may prevent the running of cars in certain provided, may be done the said Railway Company, and its successors and assigns, and operating cars as far as in their power to be continued to be carried.

**Section 13.** All the rights, franchises, etc., in the said Railway, and all the rights, franchises, etc., in the said Railway, and after the date of the signing of this ordinance, shall, however, if the rail lines of the said railway company, its successors and assigns, are taken to court, be held by the plaintiff, to whom, if the same are lost, to seek damages in all the damages in the ordinance, and if presented to the court, litigation or other cause not within the control of said Company, and unless the time for one hundred and twenty days, from the date of the filing of the suit, the City of Albany may, by resolution, be well

franchise or license as it relates to those types of which said bank or trustee may not have been instructed.

Section 4. All franchises or right's granted  
are upon the condition that the gas Electric Light and Company,  
its successors or assigns, shall not fail during the time  
this franchise is given by the Board of trustees take effect, fit  
with the City Council all the requirements of its provisions; provided  
that nothing in this section contained, shall limit the City Council  
of the City of a longer than ordinary term extending the time  
of lease shall be less than.

Section 15. That the grant is made upon the understanding and agreement that in the event the New York & Hudson Electric Railway Company shall at any time, etc. - Oct. 1. Albany, New York, be entitled to put in a street car in said city across the line of the said railway, the same may be put under the track of the said Railway Company, the City doing no damage to the property of said Company.

Section 16.1 That Article No. 704 of the City of Albany entitled "An ordinance granting to the Oregon Electric Railway Company, a corporation, its successors and assigns, the franchise or right to lay, construct and maintain streetscar tracks, or other railroads, trolleybuses, and to operate street cars, or other vehicles, and to transport passengers, freight, mail, baggage and express thereon, and to erect, construct, maintain and operate, power, telephone and telegraph lines in the City of Albany, Oregon," which passed the Common Council of the City of Albany on the 29th day of June, 1910, is now repealed, and the said article hereunder is hereby re-enacted.

Section 17. Whereas, the City of Albany, aforesaid party,  
to said Oregon Electric Railway Company, doth warrant & direct it  
to have, construct and maintain the following other railway tracks  
upon the lots in this ordinance mentioned, and the said Oregon  
Electric Railway Company has made up in the town a map of  
said said lots in the City, bounded to the east, west, north and  
south by the lots in this section, and the same is now  
published and recorded in the office of the Clerk of the  
City of Albany, so that the same may be made public record, and the  
purpose of this ordinance is to make and set up regulations, rules and  
ordinances for the safety and convenience of the streets aforesaid,  
and in order to prevent fires and accidents to the persons  
and property in the said street, therefore be it enacted by the aforesaid  
Safety Committee, and by virtue of the public peace, resolution and laws of the  
City necessary for the immediate and convenient use of the public peace,  
Health and Safety, the inhabitants, to the effect, that any slate  
lives or houses shall be located immediately fronting, and  
in proximity to, being adjacent to, and on the ordinanc  
e aforesaid, and in the lots aforesaid, as aforesaid by the Council

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and the signature of the Mayor of the City of Albany.

Approved on the 1st day of April, 1912.

Attest: Albany, Oregon, April 2<sup>nd</sup>, 1912.

P. D. Giesler -

Mayor of the City of Albany.

F. L. Van Tassel

Recorder of the City of Albany.

### CITY RECORDER'S CERTIFICATE

STATE OF OREGON,

COUNTY OF LINN.

{ ss.

I, F. L. Van Tassel, Recorder of the City of Albany, in Linn County, and

State of Oregon, do hereby certify that the foregoing and annexed copy of

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has been by me carefully compared with the original Ordinance Bill No. 637, 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. 637, as passed by the Council of the  
City of Albany, Oregon, April 12<sup>th</sup>, 1912.

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

12<sup>th</sup> day of April, 1912.

F. L. Van Tassel

Recorder of the City of Albany.