

Lawyer, Albany, Oregon

Ordinance
No 616

An Ordinance to amend Ordinance No. 519, entitled "An Ordinance granting to the Oregon Electric Railway Company, its successors and assigns, the franchise or right to lay, construct and maintain street car tracks, or other railway tracks, and to operate street cars, or other cars, thereon, 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 Ordinance was passed by the Council of the City of Albany, Oregon, June 27th, 1910, and approved by the Mayor June 28th, 1910, by authorizing a different location of the Railway line therein described and extending the time for completing the said line until July 15, 1913.

The People of the City of Albany Do Ordain as Follows:

Section 1. That Section 1 of Ordinance No. 519 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 street car tracks, ^{or other railway tracks,} and to operate street cars, or other cars, thereon, 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 said ordinance was passed by the council of the city of Albany June 27th, 1910, and approved by the mayors June 28th, 1910, and the same is hereby amended to read as follows:

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 street car tracks or other Railway tracks of standard gauge, either single or double track, with power to change from one to the other, and such sidings, switches, curves and connectors and other equipment as it may deem necessary or convenient, and to operate and run street cars or other cars thereon, and to transport passengers, freight, mail, baggage and express thereon, upon the following named streets and places in the city of Albany, Oregon, to-wit:

Beginning at the eastern boundary of the City in a feasible route to the east end of Water street; thence along the said Water Street to the western end thereof; thence in a westerly direction to a point of connection with the main line of the said Oregon Electric Railway at or near the junction of Fifth and Yukon streets.

Together with the right to cross all intervening streets and alleys and the right and privilege of constructing and maintaining on said Water Street and said street intersections such frogs, switches, curves and connections as the said Oregon Electric Railway Company, its successors

and assigns may deem necessary or convenient in the construction and operation of such line of railway, and that there be and there is also granted to the said Oregon Electric Railway Company, its successors and assigns the right to erect, construct and maintain poles, wires and other necessary and convenient equipment for the purpose of conveying power and electrical currents for its own use, and for the operation of its cars, and for domestic, commercial and other purposes, with the right and privilege of constructing and maintaining all necessary and convenient feed and service lines in connection therewith.

Section 2. That section 13 of Ordinance No. 519 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 street car tracks, or other railway tracks, and to operate street cars, or other cars, thereon, 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 said ordinance was passed by the council of the city of Albany June 27th, 1910, and approved by the Mayor June 28th, 1910, be and the same is hereby amended to read as follows:

"All the rights herein granted shall continue and be in force and effect for twenty-five (25) years from and after the date of the final approval of this ordinance; provided, however, if the said Oregon Electric Railway Company, its successors and assigns, shall fail to construct prior to the 15th day of July, 1913, its line or lines of railway track or tracks on all the streets named in this ordinance, unless prevented by strikes, litigation or other causes not within the control of said company, and unless the time or construction be extended by the Council, then the City Council of the City of Albany may, by ordinance, declare this franchise forfeited, so far as it relates to those streets upon which said track or tracks shall not have been constructed."

Section 3. All the right and privileges herein provided by this ordinance are subject in all things to the terms, provisions and conditions contained in said ordinance No. 519, and shall not be construed to change or vary the terms, provisions or conditions thereof in any particular except as herein specially provided. Provided that nothing herein contained shall in any wise be construed as in any manner limiting, altering, modifying, or granting any extension of time in that franchise heretofore granted said railroad company on Fifth Street in said City, and it is further that where said railway line crosses Calapooia Street that said railway company shall install proper bell alarms to warn persons approaching such crossing, and each train upon approaching such crossing and each train upon approaching such crossing shall stop before reaching

LAWLER, ALBER, OREGON

with crossing and give warning by bell or whistle.

Section 4. That said Oregon Electric Railway Company, its successors and assigns, shall within thirty days after the passage of this ordinance, file in the office of the Recorder of the City of Albany, an unqualified written acceptance of all the terms, provisions and conditions of this ordinance, and the failure on the part of said Company, its successors and assigns, to file said written acceptance within the time herein limited shall be deemed an abandonment of the rights and privileges herein conferred.

Section 5. Unnecessary. The purpose of this ordinance is to enable the said Oregon Electric Railway Company to build and operate a line of railway which shall relieve Fifth Street of a portion of the business of said railway line, especially freight business, and thereby remove the interference with travel upon Fifth Street to avoid endangering the public safety thereon, and to thereby promote the public peace, health and safety, and

Whereas, it is therefore 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 its approval by the Mayor.

Passed by the Council September 30, 1912.

Attest:

Approved: October 2, 1912.

F. J. Santanel
Recorder of the City of Albany.

D. J. Lyons
Mayor of the City of Albany.

Albany, Oregon

CITY RECORDER'S CERTIFICATE

STATE OF OREGON.
COUNTY OF LINN.

I, F. E. 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. 677 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. 677, as passed by the Council of the City of Albany, Oregon, September 30th 1912

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

2nd day of October 1912

F. E. Van Tassel

Recorder of the City of Albany.