

ORDINANCE NO. 433

A. Welch, Electric Street Railway Franchise
Record, Sept. 18, 1907.

Ord 433
A. Welch
Electric St
Ry. Franchise
Passed
9-18-07

For release and surrender of this franchise
see Ordinance Book Vol. 6, page 417.

An Ordinance granting to A. Welch, his heirs, assigns or successors the right, privilege and Franchise, to lay down, build, construct and maintain lines of railway and a system of single or double track railway, with convenient switches, turn-outs, curves, connections and turntables and for the purpose of operating railways and convey power and electrical currents for its use, may put up, erect, maintain and use, poles and overhead wires and lay down, conduct and maintain and use under currents, abts, conduits, underground wires, conductors and cables, in, over and upon the following streets within the City of Albany, Linn County, State of Oregon:

Beginning at a point on the Willamette River at the North End of Calapooia Street in the City of Albany, Oregon, thence running South along Calapooia Street to Second Street, thence East along Second Street to the Eastern limits of the City of Albany, Oregon,

Also, beginning at the intersection of Second Street and Madison Street and running thence South along Madison Street to Sixth Street, thence West along Sixth Street to the Western limits of the City of Albany, Oregon,

Also, beginning at the intersection of Calapooia Street and Second Street and running thence South along Calapooia Street to Sixth Street,

Also, beginning at the intersection of Sixth Street and Elm Street and running thence South along Elm Street to the Southern limits of the City of Albany, Oregon,

Also, commencing at the East end of Ninth Street and running West to Ellsworth Street, thence South on Ellsworth Street to Elmworth Street, thence West on Elmworth Street to the City limits,

The People of the City of Albany do Ordain as follows: Section 1. That there be and hereby is granted unto A. Welch, his heirs, assigns or successors, the franchise, right and privilege to lay down, construct, and maintain lines of railway, and a system of single or double track railway, with convenient switches, turnouts, curves, connections and turntables, and for the purpose of operating

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railways and conveying power and electrical currents for its business, may put up, erect, maintain and use poles and overhead wires, and lay down, construct, maintain and use underground slots, and conduits, and underground wires, conductors, and cables, in, over, along, and upon the following streets of the City of Albany, County of Linn, State of Oregon to wit:

Beginning at a point on the Willamette River at the North End of Calapooia Street in the City of Albany, Oregon, thence running south along Calapooia Street to Second Street, thence East along Second Street to the Eastern limits of the City of Albany, Oregon.

Also, beginning at the intersection of Second Street and Madison Street, and running thence south along Madison Street to Sixth Street, thence West along Sixth Street to the Western limits of the City of Albany, Oregon.

Also, beginning at the intersection of Calapooia Street and Second Street, and running thence south along Calapooia Street to Sixth Street.

Also, beginning at the intersection of Sixth Street and Elm Street and running thence south along Elm Street to the Southern limits of the City of Albany, Oregon.

Also, beginning at the East end of Ninth Street and running west to Ellsworth Street, thence south on Ellsworth Street to Eleventh Street, thence West on Eleventh Street to the City limits.

Provided that no double track or turntable shall be built or constructed on either Elm, Calapooia, Second, Madison, or Sixth Streets without the permission expressed by Ordinance duly passed by the City of Albany and provided further, that the location and placing of poles shall be under the supervision of the Council and the Superintendent of Streets.

Section 2. Said A. Welch, his heirs, assigns or successors, may operate and propel and have care over and upon the railways mentioned in Section 1, of this Ordinance by means of overhead or underground electrical power, storage batteries,

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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, provided the City Council consents thereto by Ordinance duly passed.

Section 3. For the purpose of laying down, repairing and reconstructing the railway tracks authorized by this franchise, said A. Welch, his heirs, assigns or successors, shall not obstruct any street for a greater continuous distance than the length of four (4) 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 said grantee, the City Council of the City of Albany, may extend said time, at their discretion.

Section 4. The tops of the rails of said tracks shall be laid flush with the grade of said streets so as to offer as little or no obstruction as possible to the passage of vehicles or other "traffic use" of said streets, and the rails used on the streets aforesaid shall be of such dimensions and designs as may be approved by the City Council of the City of Albany.

The construction and reconstruction of the lines of railway authorized by this Ordinance shall be upon plans approved by the City Council.

The tracks on all single track roads shall be laid in the center of the streets, except at corners, unless otherwise directed by the Council of the City of Albany.

Section 5. Said A. Welch, his heirs, assigns or successors, shall fill in, or grade, to the established grade, or the grade that may hereafter be established, and plank, pave, repave, reconstruct, repair cross-walks or sidewalks, or otherwise improve or repair, and keep in good condition, from time to time, whenever directed by the Council, and in such manner as the City Council may direct, those portions of the street or streets, and other public places, along and over which the said railways are or shall hereafter be constructed, the whole width of said railways, between the rails, and between the tracks, and for the width of one foot on the outside of the outermost rails.

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provided: that whenever said road shall cross any stream or draw now bridged, or hereafter bridged by order of the Council, said Railway Company shall extend the bridge on both sides of the center of said railroad to the curb line of the streets and maintain the same in good condition for the passage of wagons and 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, plankings, 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 operating of said railways, and the owner or owners of said railways shall have the privilege of raising or shifting the tracks so as to avoid as much as possible obstructing the operation of cars during the progress of the street improvement, sewerage, grading, paving, plankings, macadamizing, improving, altering or repairing.

Section 7. Any street granted by the City of Albany, Oregon, to the said A. Welch, his heirs, assigns or successors, which shall not have been used by said grantee for a period of Eighteen (18) months, shall be forfeited to the said City of Albany, Oregon.

Section 8. In the event that any streets or portion of streets or other public place granted by this franchise and used by the grantee thereof, or his heirs, assigns or successors, shall during the life of this franchise be abandoned by said grantee or his heirs, assigns or successors, shall forthwith remove his tracks and other property therefrom, and on the removal thereof, restore, repair or reconstruct that portion of said street which under this franchise is to be kept by the said grantee or his heirs, assigns or successors, shall place said street in the condition required by the City Council.

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If any portion of either of said Streets heretofore mentioned shall be abandoned as aforesaid, that portion of this franchise under which said portion of said Streets was used by said grantee or his heirs, assigns or successors, shall thereafter be null and void, and shall be forfeited without any further action on the part of the City, provided that if the road shall not be built, maintained and operated on Second, Madison, Sixth and Calaponia Streets as herein provided, this franchise shall be forfeited and terminated.

Section 9. The passenger Cars used by the grantee of this franchise, and his heirs, assigns or successors, upon the lines of railways authorized by this ordinance, shall be of good construction and suitable for the comfort, convenience and safety of passengers.

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 intersection of Streets.

Section 10. The said G. Welch, his heirs, assigns or successors, may transport passengers over all the Streets and places mentioned in Section One hereof, and may transport Freight, Express, Baggage and mail over its lines on Ninth, Eleventh and Eleventh Streets, but shall not transport said Freight, Express or Baggage Cars over its lines on Second, Madison, Sixth, Calaponia or Elm Streets. The maximum rate of fare for the transportation of such passenger for a continuous trip over said Streets 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 day this ordinance becomes of force, and this franchise shall commence to run on the said day this ordinance becomes of force.

Section 12. The said G. Welch, his heirs, assigns or successors shall within thirty days after the final approval of this Ordinance, file in the Office of the Recorder of the City of Albany a written acceptance of all of the terms, conditions

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and provisions of this Ordinance, and the franchise herein granted,

Section 13. That A. Welch, his heirs, assigns or successors, shall commence the construction of railway tracks in accordance with the conditions of this Ordinance mentioned, within six months of the taking effect of the same, and shall complete such portion of such railway within the said City within Eighteen (18) months from the date of acceptance of this franchise.

Section 14. That the said A. Welch, his heirs, assigns or successors, in consideration for said franchise, shall pay to the City of Albany an annual franchise license or tax of only hundred (\$100) Dollars per year for the period of five (5) years, commencing with the sixth year after the granting of this franchise, and the sum of two hundred (\$200) Dollars 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 and for each and every year, and if said payments are not made as herein set forth, the City Council may by resolution or Ordinance declare said franchise forfeited.

Section 15. That the said A. Welch, his heirs, assigns or successors, shall at the time of the acceptance of the franchise under the terms of this Ordinance, furnish to the City of Albany a good and sufficient bond in the sum of Five Thousand (\$5000.00) Dollars, made payable to the City of Albany, the same to be approved by the Mayor, and to be deposited with the Records of said City as security, (Conditioned) that the said A. Welch, will build and complete and operate the said Railway, on this Ordinance provided for, upon Second, Sixth Madison and California Streets.

And further Conditioned to pay to the City of Albany any loss or damage it, the City of Albany, may suffer or sustain by reason of the

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Construction or building or maintaining of said railway, and repairing and replacing all or any of the sidewalks, cross-walks or bridges or pavements that may be disturbed in the course of construction or installation of, or the repairs of said railway or any part of it.

Section 16. That in the event the said A. Welch, his heirs, assigns or successors shall fail to maintain said street railway or passenger cars in first class condition, and order, and shall refuse or fail to furnish an efficient thirty-minute for city service in the supplying of cars for passengers and for public use at any time during the said term of this franchise, the City of Albany, shall have the right, after the failure or refusal of the said A. Welch his heirs, assigns or successors, for the period of thirty (30) days after due notice on the part of the said City, of such delinquency, to declare all rights and privileges herein granted, forfeited, and upon said forfeiture this franchise shall become null and void, and the City Council of the City of Albany, may require by resolution or Ordinance all tracks, ties and other material belonging to said railway company, in or on said streets to be removed, and the same to be placed in good order and condition for public travel.

Section 17. No cars or trains of cars shall be left standing by the said A. Welch, his heirs, assigns or successors, on Ninth, Elworth or Ellsworth Streets.

Section 18. This Ordinance shall be in full force and effect from and after thirty days from its approval by the Mayor.

Attest. J. M. Redfield } Approved Sept. 19, 1907
Recorder of the City of Albany } J. P. Wallace
City of Oregon } Mayor of the City of Albany,
County of Lane } City Recorder Certificate

J. F. M. Redfield, Recorder of the City of Albany, in Lane County and State of Oregon do hereby certify that the foregoing and annexed copy of Ordinance #433 has been by me carefully compared with the original Ordinance bill 468 now on file in my office, and that is a true and correct copy of all and the whole of said Ordinance Bill #468 as passed by the City Council of the City of Albany Oregon Sept. 18, 1907. Witness my hand and official signature and the seal of the City of Albany, this 19th day of September, 1907.
J. F. M. Redfield
Recorder of the City of Albany