

ORDINANCE No. 548.

Relating to Gas Franchise by Albert E. Wright.

Ord No. 548

Relating to his, executors, administrators and assigns, the right to supply gas to the City of Albany and inhabitants thereof and other persons by Albert Wright for said purposes to lay pipes in streets, alleys and public places, and to charge a reasonable price therefor.

Repealed by Ordinance # 548

The people of the City of Albany do ordain as follows. That there is hereby granted to A. E. Wright, his heirs, executors, administrators and assigns, hereinafter referred to as the grantee, the right to construct, acquire own, maintain, conduct and operate a plant or plants for the manufacture and distribution of gas for illuminating, fuel and power purposes in the City of Albany Oregon, and to lay pipes and mains for the purpose of conducting and distributing said gas through and over said City as hereinafter specified.

Section 1. That there be and hereby is granted to said A. E. Wright of Portland, Oregon, his heirs, executors, administrators and assigns, hereinafter referred to as the grantee, the franchise, right and privilege to construct, acquire, own, maintain, conduct and operate works for the manufacture of gas and its by products, for illuminating, fuel and power purposes within the limits of the City of Albany, and to furnish, provide, sell and distribute such quantities of gas and its by products as may be required in the said City of Albany for illuminating, fuel, power and other purposes, and to construct, operate and maintain a gas pipe line system with all the necessary feeder and service pipes in connection therewith, viz. along, upon and under all streets, avenues, lanes, alleys, squares and public places in said City, provided that in all cases where practicable said pipes shall be laid in alleys or as not unnecessarily to tear up the streets; and provided further that <sup>public</sup> squares or public place of like nature shall be torn up if there is any equally practicable way around it.

In all cases before the grantee or any of his agents or servants shall begin to tear up any street for the purpose of laying mains or pipes as above set forth, he shall file with the City Recorder a plat showing the streets and portions of streets where it is desired to lay the said mains or pipes and said work shall be performed under the supervision of an official designated by the City Council.

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Section 2. The grantee shall procure the necessary plants for the manufacture and distribution of gas and its by products and lay the necessary mains and pipes so as to be able to furnish gas for public service on or before the first day of Sept. 1912. provided, however, that in case of delays caused by inclement weather, litigation, strikes, injunction, judicial interference or delays in manufacturing or distribution of material for the work as above 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 all mains and pipes proposed to be laid under this franchise in the streets of that portion of the City of Albany in advance of any paving to be done upon any of said streets or upon any extension of said streets, upon which said paving maybe ordered by the Council of the said City of Albany prior to said first day of Sept. 1912.

Section 3. That 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 or hereafter to be laid by the said City; and when ground shall be opened in any street, the street, pavement, sidewalk or sewer shall forthwith be restored to conditions equally as good as before at the expense of the grantee.

The grantee in working upon any street shall provide reasonable safeguards for the protection of the public.

The grantee shall be liable for and promptly pay any and all damages awarded for injuries suffered by any person or the City by reason of the construction, extension, operation and maintenance of the gas plant under this franchise and shall save the City harmless in the premises on account of any damage or expense of litigation by reason thereof.

Section 4. That the grantee shall not open or encumber more of the streets at any time than may be necessary to proceed with advantage to the laying of such mains, pipes, ducts and service pipes heretofore mentioned, nor permit any such streets to remain open or encumbered for a longer period of time than may be necessary to execute the work for which the said streets shall have

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been opened.

Section 5. The grantee, his heirs and assigns, shall use reasonable diligence to keep himself or themselves in readiness to serve all applicants with gas for light, heating and other purposes, and for such readiness to serve may charge any and all persons, bodies or corporations, connected to said plant or system a minimum charge of Fifty cents per month each. Provided however that the grantee shall not be required to extend its mains more than 100 feet to reach any single consumer of gas.

Section 6. The grantee shall at all times treat all citizens of said city applying for the use of gas for lighting, heating or power purposes, fairly and impartially and on an equal basis and terms to all, and provided, that the maximum price to be charged for gas until the average daily consumption amounts to One Hundred Thousand (100,000) cubic feet ~~per~~ shall be One and Sixty-five hundredths (\$.65) dollars per thousand cubic feet. From One Hundred Thousand (100,000) to One Hundred Fifty Thousand (150,000) <sup>cubic feet</sup>, a maximum charge of One and Fifty hundredths (\$.50) dollars per thousand cubic feet. From One Hundred Fifty Thousand (150,000) cubic feet to Two Hundred Thousand (200,000) cubic feet a maximum charge of One and Thirty-five <sup>hundredths</sup> (\$.35) dollars per thousand cubic feet. From Two Hundred Thousand (200,000) cubic feet to Two Hundred and Fifty Thousand (250,000) cubic feet a maximum charge of one and twenty-five hundredths (\$.25) dollars per thousand cubic feet, and shall supply with gas all applicants along its lines and at other places where reasonable and practicable as herein before set out.

Section 7. The rights and privileges hereby granted are granted upon each and all the conditions, provisions and reservations contained in this ordinance or the Statutes of the State of Oregon. And upon compliance therewith by the grantee this ordinance shall be in force twenty-five (25) 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 of Albany agrees to accept, and the said grantee agrees to pay unto said city of Albany during the continuance of said franchise the following sums to wit: That until the first day of August, 1917, the

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grantor shall pay nothing to said City of Albany for this franchise. That from the first day of August, 1917, until the first day of August, 1922, the grantor shall pay to the said City of ~~Albany~~ annually on the first day of August, One half (1/2) of one per cent. of its gross receipts from the sale of gas consumed within said City of Albany, and from the first day of August, 1922, until the first day of August, 1932, said grantor shall pay to said City of Albany, annually One (1) per cent. of said gross receipts from the sale of gas consumed within ~~the~~ City of Albany, and from and after the first day of August, 1932 the grantor shall pay to <sup>the</sup> said City of Albany, annually the sum of Two (2) per cent. of its gross receipts from the sale of gas consumed within said City of Albany.

The City Council or its designated agents shall have the right to examine the books of the said grantor for the purpose of verifying the amount of said gross receipts and shall require the said grantor or his agents to furnish a sworn statement annually of the gross receipts on which said tax, shall be paid.

Section 9. In the event that said grantor fails for a period of three consecutive months at any time after the completion of its plant to furnish gas, except when said failure may be occasioned by fire or the elements or other unavoidable casualty, this franchise shall cease to be effective.

Section 10. Whenever any grade or grades of any streets within the said City shall be changed or established, if none has been established prior to the time of the laying of mains and pipes therein, the grantor shall, at his own expense, change the mains and pipes to conform with the grade so established or changed.

Section 11. The grantor, his heirs and assigns, shall at his or their own cost and expense furnish meters to any and all consumers for the measuring of said gas.

All meters shall, at reasonable times, be subject to inspection by the proper City official and by the grantor and his agents.

Section 12. The grantor, his heirs or assigns, shall file his or their 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. Wherever the word "streets" is used

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in this ordinance it shall be construed to mean, streets, av-  
enues, lanes, alleys, <sup>squares</sup> and public places.

Wherever the word "grantor" is used herein it shall be  
construed to mean A. E. Wright, his heirs, executors, adminis-  
trators and assigns.

Section 14. The grantor at the time of the accept-  
ance of this franchise shall furnish to the City of Albany  
a good and sufficient bond in the sum of One Thousand  
and (000<sup>00</sup>) 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. Wherever any transfer or assignment  
of this franchise is made written notice of said trans-  
fer 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 ~~City~~ Recorder.

Section 16. It is hereby ~~declared~~ <sup>adjudged</sup> and ~~declared~~ <sup>adjudged</sup> that  
existing conditions are such that this ordinance is necessary for the immed-  
iate preservation of the public peace, health and safety; therefor an emerg-  
ency is hereby declared to exist, and this ordinance shall take effect  
and be in full force from and after its approval by the Mayor.

Passed the Council June 16<sup>th</sup> 1911.

Approved June 17<sup>th</sup> 1911.

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

J. P. Wallace  
Mayor

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 548  
has been by me carefully compared with the original Ordinance bill #601  
now on file in my office, and that it is a true and correct copy of all and the whole of said  
Ordinance bill #601 as passed by the Council of the  
City of Albany, Oregon, June 16<sup>th</sup> 1911

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

17<sup>th</sup> day of June 1911  
F. M. Redfield,  
Recorder of the City of Albany.