

Ordinance
76 614

An ordinance granting unto J. F. Watson, of Albany, Oregon, and his assigns the right to construct and maintain a railroad switch and side-track across First Street in the City of Albany, Oregon.

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

Section 1.

That J. F. Watson of Albany, Oregon, and his assigns are hereby granted the right to lay, construct and maintain a railroad switch and side track, leaving the track of the Corvallis and Eastern Railroad at a point in Block 118 in Backleman's First Addition to the City of Albany, Oregon, and running thence northerly across First Street to a point in Block 117 in Backleman's First Addition to the City of Albany, Oregon, the said J. F. Watson and his assigns to have and enjoy the said privilege for a term of five years from the date of the passage of this Ordinance, provided, however, that the Council of the City of Albany, Oregon, expressly reserves the right to prescribe the manner of such use at any and all times, when the Council may consider that the public welfare of the City requires it so to do.

Section 2. The said J. F. Watson and his assigns, so long as he or they use said right of way over and across said street shall keep said side track and switch in good and safe repair and said city hereby expressly reserves the right to establish the grade of said street and prescribe the manner in which side walks shall be constructed at all crossings of such switch and side track, said side walks at such crossings to be built and kept in good repair at the expense of and by the said J. F. Watson and his assigns and said switch and side track shall be so constructed as not to obstruct public travel upon said street.

Section 3. That said switch and side track shall be constructed upon grade furnished by the City Engineer and upon plans approved by him and the said J. F. Watson, and his assigns shall have the right to do all necessary excavating and grading for the construction and repair or maintenance of said track but that part of said street so excavated or graded must be replaced in as near the original condition as practicable and the said J. F. Watson and his assigns shall keep the portion of said street upon which said track is maintained for the full width of said track between the rails thereof and to the ends of the ties outside of said rails in as good condition and repair as the remainder of said street is maintained by the city.

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and in case such street shall be improved by the city, the cost of improving such portion as is to be kept in repair by the J. F. Watson and his assigns shall be borne by him and his assigns; provided, however, that when said street shall be improved by the City with hard surface pavement the said space to be so improved by the said J. F. Watson and his assigns shall be paved with vitrified brick and the ties of the track laid in cement or concrete.

Section 4. It is hereby expressly provided that any refusal or neglect by the said J. F. Watson or his assigns to comply with the provisions of this ordinance or of any other ordinance in pursuance hereof shall be deemed a forfeiture of his or their rights and privileges herein granted and in such case it shall be lawful for the council to declare by ordinance the forfeiture of the same and to cause the said railroad to be removed from said street.

Passed the Council Sept 11th 1912.
Approved by the Mayor Sept 14th, 1912.

Attest:

F. E. Van Tassel
Recorder of the City of Albany.

O. D. Gleason
Mayor of the City of Albany.

CITY RECORDER'S CERTIFICATE

STATE OF OREGON. } ss.
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.....

Ordinance No. 614
has been by me carefully compared with the original Ordinance Bill No. 673
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. 673, as passed by the Council of the
City of Albany, Oregon, September 11th 1912

Witness, my hand and official signature and the seal of the City of Albany, this
17th day of September 1912

F. E. Van Tassel
Recorder of the City of Albany.