

Oregon Elec. Ry. Franchise

Ord No 519
 Ore Electric
 Ry Franchise
 Amend 616

The Ordinance granting to the Oregon Electric Railway Company, incorporation, 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.

The people of the City of Albany 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 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 crosby sidings, switches, curves and connections 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 on a feasible route to the east end of Water Street to the western end thereof; thence in a Southwesterly direction to Fourth Street; thence West along Fourth Street to the Western end thereof; thence Southwesterly to a point of connection with the main line of the said Oregon Electric Railway.

Together with the right and privilege of constructing and maintaining, on all of the streets above described such frogs, switches, curves and connections to the said Oregon Electric Railway Company, its successors or assigns may deem necessary or convenient in the construction and operation of such line of railway.

And that there be and there is hereby

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also granted to 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 there be and is hereby granted to said 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, over 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 purposes said tracks may be constructed across any and all intersecting streets and sidewalks at such points as said Company may deem necessary, or convenient to make said connections, and said tracks and crossings, at such intersecting streets, shall be constructed and maintained in substantially the same manner 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 and maintain side tracks, switches, and other equipment from the track or tracks hereinbefore mentioned, into, upon and over such private properties as it may now hold, or hereafter acquire for use as car barns, power houses, terminal 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 flagged or otherwise laid and maintained as ordered by the Council and Board of Public Utilities with reference to said sidewalks.

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Section 4. The Oregon Electric Railway Company its successors and assigns, shall lay construct and maintain said tracks so as to conform to the grade of said streets, and in such manner as not to unnecessarily interfere with the public use thereof. Provided, however, that if the grade of any of said streets shall not have been previously established, the City Council, upon request of the said Oregon Electric Railway Company, its successors or assigns, prior to the commencement of construction of said tracks, will establish said grades; and it shall be the duty of the City Engineer at the request of said grantee to furnish to it a written certificate of any street grade, and said certificate shall be conclusive between the said City and the grantee as to the correctness of the grade so certified.

Section 5. Said Company, its successors or assigns shall have the right to do all necessary excavating or grading for the construction and repair or maintenance of said tracks, but all portions of said streets so excavated or graded must be replaced in as near the original condition as practicable, and said Company, its successors or assigns shall, during the term of this franchise, keep the portions of said streets upon which tracks are maintained, including the space within the ties in as good condition and repair as the remainder of said streets is maintained for the whole width of said railway between the rails of each track, and for the width of one foot on the outside of the rails of each track; and in case such streets shall be improved by said City, the cost of improving the portions of such streets last above described, shall be borne by the said Railway Company. Provided, however, that in the event the said streets shall be improved by the City, with hard surface pavement, the said space so to be improved by the Railway Company shall be paved with vitrified brick next the rails and with like same quality of pavement used by the City between the rails of each track;

Section 6. That there shall be and is hereby granted,

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to said Oregon Electric Railway Company, its successors and assigns, the franchise right to erect poles and construct and maintain telephone and telegraph lines upon the streets and places hereinafter mentioned,

All such poles, wires and equipment to be so placed and maintained as not to unnecessarily interfere with public travel upon said streets, and subject to the approval of the City Council, Provided however, that all poles erected within the limits of said City by said Railway Company, its successors and assigns shall be painted;

Section 7. In the construction and operation of the railway track or tracks described in this franchise, permission is hereby granted unto the Oregon Electric Railway Company, its successors and assigns, to put in bridge crossings, constructed of timber or other material, over and across those water courses known as the Santiam Ditch at its intersections with Thurston Street and Vine Street, and over all other water courses necessary to be crossed in the construction and operation of said railway; the said railway Company, its successors or assigns, may, in their discretion, either bridge or fill the same, Provided, that as to each of said crossings the City may require the bridge or fill for the same to extend the full width of the street, and the cost thereof shall be paid by said Railway Company, and whenever two or more railway lines cross any of said water courses on the same street, the cost thereof shall be divided equally between such railways and paid by them in equal proportions, Provided, however, that it shall be incumbent upon the City of Albany, to compel the owners of, or those in control of said Santiam Ditch, or other water course, to consent to such crossings.

All the bridges or fills aforesaid, shall be maintained by the railway Company, its successors or assigns for the benefit of the public.

Section 8. within reasonable time after the completion of the construction of said railway

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Track or tracks within the limits of said City, and until such times as the City shall pave the remainder of the street outside of the railway tracks with hard surface pavement, the Railway Company, its successors and assigns, shall fill the space between the rails of such track and for one foot outside of the rails with sand, crushed rock or gravel, and as nearly flush with the top of the rails as practicable, so as to make it convenient to cross said track with teams.

Section 9. The motive power employed for operating cars upon said tracks, shall be electricity or any power other than steam, provided that steam may be used for operation of cars for construction purposes, or temporarily in case of accident or emergency.

Section 10. The rate of speed of 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 the cross streets of said City for a greater period of time than five (5) minutes at any one time.

Section 11. The fare or charge to be made for transportation of each passenger, for a continuous trip in one general 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 for the carriage of passengers shall be of approved construction for the comfort and convenience of passengers.

Section 13. All the rights herein granted shall continue and be in force and effect for twenty (20) 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, 1912, its line or lines of railway track, or tracks, on all the

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streets named in this ordinance, unless prevented by strikes, litigation, or other causes not within the control of said Company, and unless the time for 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 14. All franchises or rights herein granted are upon the condition that the Oregon Electric Railway Company, its successors or assigns, shall, within sixty (60) days from the time this Ordinance is approved by the Mayor, or otherwise takes effect, file with the City Recorder a written acceptance of its provisions and good and sufficient bond in the sum of five thousand dollars (\$5000.00) to be approved by the Mayor, conditioned that the Oregon Electric Railway Company, its successors or assigns, shall on or before July 1st 1912, complete the construction of, and have in operation a main track from the City of Salem to the City of Albany; providing that nothing in this section contained, shall prevent the City Council of the City of Albany, by subsequent Ordinance from extending the time, if deemed necessary.

Section 15. Whereas, a franchise has been heretofore granted by the City of Albany to the said Oregon Electric Railway Company, its successors and assigns, to lay, construct, maintain and operate an electric railway line on Fifth Street in the City of Albany and to transport passengers and freight thereon; and

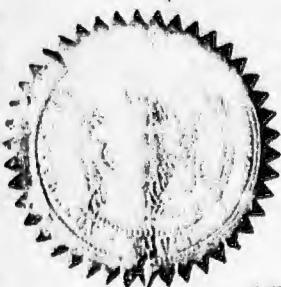
Whereas, the purpose of this Ordinance is to enable the said Oregon Electric Railway Company to build and operate a line of Railway, which will relieve Fifth Street of a portion of the business of said railway line, especially freight business, and thereby prevent the interference with travel upon Fifth Street to avoid endangering the public safety thereon and to thereby promote the public peace, health and safety; and

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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 the approval by the Mayor.

Passed the Council the 27th day of June 1910.
Attest: Approved the 28th day of June 1910
J. M. Redfield, Mayor of the City of Albany.
J. P. Wallace, Mayor of the City of Albany.



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 No. 519

has been by me carefully compared with the original Ordinance bill No. 568

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. 568 as passed by the Council of the City of Albany Oregon June 27th 1910

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

28th day of June 1910

F. M. Redfield
Recorder of the City of Albany.

Acceptance filed June 30th 1910
Recorded Jul 10 page 188