

TITLE: AN ORDINANCE GRANTING TO THE SOUTHERN PACIFIC COMPANY THE RIGHT, PRIVILEGE AND PERMISSION TO CONSTRUCT, MAINTAIN AND OPERATE A RAILROAD SPUR TRACK, STANDARD GAUGE UPON, OVER AND ACROSS TWENTY-EIGHTH AVENUE IN THE CITY OF ALBANY, OREGON.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: DESCRIPTION OF PROPERTY

The Southern Pacific Company, a corporation created and existing under the laws of the State of Delaware and licensed to do business in the State of Oregon, its successors, lessee and assigns, be and is hereby granted the right, privilege and permission to construct, maintain and operate a railroad spur track of standard gauge over, upon and across Twenty-eighth Avenue in the City of Albany, Linn County, Oregon, location of that certain line of said spur track being more particularly described as follows:

Beginning at a point which is North $0^{\circ}54\frac{1}{2}'$ West 205 ft. from a $\frac{1}{2}$ inch iron rod which is N. $0^{\circ}54\frac{1}{2}'$ W 1,721.04 ft. and N $88^{\circ}54\frac{1}{2}'$ E 656.0 ft. from the NW corner of Truett Davis DLC No. 38 in Township 11 S, Range 4 W of the Willamette Meridian in Linn County, Oregon; running thence Westerly along N side of Twenty-eighth Ave. 440 ft. more or less all in the City of Albany, Linn County, Oregon.

Section 2: MATERIAL TO BE USED

The said grantee, its successors, lessees or assigns, shall improve the area between the rails of the above mentioned track and those portions of the street outside the rails extending to the ends of the cross ties, with materials similar to the paving of the present street or as shall be thereafter improved and shall thereafter maintain said portion of the said street in good condition and repair in accordance with Ordinance No. 1430.

Section 3: GRADE

Said Grantee, its successors, lessees or assigns, shall lay, construct and maintain said spur track so as to conform to the grade of the street and in such manner as to not unnecessarily interfere with the public use thereof.

Section 4: ACCEPTANCE OF SPUR TRACK

The construction of the above mentioned spur track by the grantee shall be deemed to be in acceptance by said grantee of the franchise herein granted.

Section 5: TERM OF FRANCHISE

All rights herein granted shall continue and be in force and effect for a period of ten (10) years from and after the date of the final approval of this Ordinance.

Section 6: IMPROVEMENTS

Nothing in this Ordinance shall be construed to prevent the City of Albany from sewerage, grading, paving, planking, macadamizing, improving, altering or repairing any of the street over which the tracks hereby authorized are constructed; but all such work shall be done so as to cause as little obstruction or hinderance as possible to the passage of cars and locomotives in the operation of said railway,

and the owner or owners of the said railway shall have the privilege of raising or shifting the tracks so as to avoid as much as possible the obstruction of the operation of the cars during the progress of street improvements, altering or repairing.

Passed by the Council: November 14, 1962

Approved by the Mayor: November 14, 1962

W. R. DeLoach

Mayor

Effective Date: December 14, 1962

ATTEST:

Ernest L. Deham

City Recorder