

ORDINANCE NO. 3209

TITLE: An Ordinance granting to OREGON ELECTRIC RAILWAY COMPANY, a corporation, its successors and assigns, the right and privilege to lay down, construct, maintain, operate and use a railway track to operate cars and locomotives thereover, in and through the City of Albany, and authorizing the erection and construction of all equipment and appliances necessary for the operation and maintenance thereof.

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

Section 1:

That there be and hereby is granted to Oregon Electric Railway Company, a corporation, its successors and assigns, the franchise, right and privilege to erect, maintain, equip and operate a single railroad or railway track with sidings, switches, turnouts, crossovers, curves and connections, and to run and operate locomotives, passenger, freight, mail, baggage and express cars along and upon the following named streets and places in the City of Albany, Oregon, to-wit:

Beginning at the Northeasterly boundary line of the City of Albany, said boundary line being the center line of Cox Creek; thence running Southwesterly to Water Street; thence Westerly along said Water Street to the west end thereof; thence in a Southwesterly direction to the West boundary of the City of Albany, said West boundary being the East line of Umatilla Street extended Northerly.

ALSO, beginning at the West boundary line of the City of Albany, said boundary line being the East line of Umatilla Street, extended Northerly across Fifth Avenue; thence Easterly along Fifth Avenue to a point that is 90 feet Westerly on the West line of Elm Street.

ALSO, beginning at the Northeasterly boundary line of the City of Albany, said boundary line being the centerline of Cox Creek; thence running Southwesterly parallel to and Northerly of the right-of-way of the Southern Pacific Company to Geary Street.

All track or tracks to be constructed under the provisions of this Ordinance shall be laid flush with the grade of the streets, where said streets have an established grade, when track is laid upon a street where no grade has been established, the track shall be brought to grade whenever such grade shall be established by the City, and when any established grade shall be changed by the City, the track shall be changed so as to conform with the grade as so established.

Section 2: Said Oregon Electric Railway Company, its successors and assigns, may construct, operate, equip and maintain telegraph, telephone, power lines and underground communication systems over, along and under said streets for the purpose of transmitting messages or power over said lines and systems. For said purposes and for the practical enjoyment of said franchise, said Oregon Electric Company, its successors and assigns, is hereby authorized to erect poles and string wires or conductors upon poles or other fixtures above the ground or said wires and communications systems may be laid underground in pipes, conduits, or otherwise protected.

Section 3: It shall be lawful for said Oregon Electric Railway Company, its successors and assigns, to make all needful and convenient excavations in any of said streets under the conditions hereinafter named for the purpose of establishing and maintaining said railway, telegraph, telephone, power lines, and underground communication systems; provided that if said excavation shall disturb any of said streets, the same shall be restored to good order and condition as soon as practicable and without unnecessary delay. Oregon Electric Railway Company, its successors, lessees and assigns, shall during the term of this franchise keep the track portion of each street in as good condition and repair as the remainder of the street. In case such street shall be improved by the City, the cost of improving the track portion of such street shall be borne by the Oregon Electric Railway Company. For the purposes of this section, the term "track portion of the street" means the space between the rails and spaces eighteen inches in width running parallel with and adjacent to the outside flange of each rail.

Section 4: That there be and is hereby granted to said Oregon Electric Railway Company, its successors and assigns, the right to maintain and operate cars over all private tracks and private property now occupied by it.

Section 5: Said Oregon Electric Railway Company, its successors and assigns, shall have the right to do all necessary excavating or grading for the repair and maintenance of said streets and 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 and assigns, shall, during the term of this franchise, keep the portions of said streets upon which tracks are maintained, in as good condition and repair as the remainder of said street is maintained, for the whole width of said right-of-way between the rails of each track, and for the width of eighteen inches on the outside of the rails of each track; and in case such street shall be improved by the said City, the cost of improving the portions of said streets last above described shall be borne by the Railway Company.

Section 6: The motive power employed for operating cars and locomotives upon such tracks shall be diesel or diesel electric.

Section 7: The rate of speed of all cars shall not exceed twelve miles per hour within the limits of the City of Albany, the cars stopping at crossings shall not obstruct the cross streets of said city for longer than five minutes at any one time.

Section 8: All the rights herein granted shall continue and be in force and effect for ten years from and after the date of the final approval of this Ordinance.

Section 9: All the rights, privileges, and franchise herein set forth are granted upon the condition that the said Oregon Electric Railway Company, its successors and assigns, shall, within sixty (60) days from and after the date of the passage of this Ordinance and its approval by the Mayor, file with the City Recorder its written acceptance of its provisions.

Passed by the Council: July 21, 1965

Approved by the Mayor: July 21, 1965

Russell W. Smith
Mayor

Effective Date of Ord: August 20, 1965

ATTEST:

Ernest W. Isham
City Recorder