

ORDINANCE NO. 78

Franchise, Portland, Eugene & Eastern Ry.

Ord 478
Franchise
Portland,
Eugene
& Eastern Ry.

Revised by Ordinance No. 579
Passed the Council Oct. 11, 1911, approved
by the Mayor, Oct. 12, 1911.

An Ordinance granting the Portland, Eugene & Eastern Railway Company, their assigns and successors, the right, privilege and franchise to lay down, build, construct and maintain lines of railway, and a system of single track railway, with convenient switches, turn-outs, curves, crossings and turn-tables, and for the purpose of operating said railway and conveying power and electrical currents for its use, to put up, erect, maintain and use poles and over-head wires, and lay down, construct, maintain and use under-conduits, slots, conduits, underground wires, conductors and cables, in, over and upon the following streets and portion of streets within the City of Albany, Oregon, to wit:

Beginning at a point on the Willamette River at the North End of Calaponia Street in the City of Albany, Oregon, thence running South on Calaponia Street to Ninth Street; Also, beginning at the intersection of Calaponia Street and First Street in said City, and running thence East on First Street to the Eastern limits of said City; Also, beginning at Lyon Street on Second, and running East to the City limits on Second Street; Also, beginning at a point where Eighth Street in said City of Albany, intersects Main Street, in said City, and running thence West on Eighth Street to Montgomery Street, thence across Block Six in Hephleuson's second addition to said City of Albany, to Ninth Street where it intersects Fern Street, thence West on Ninth Street to the Western limits of said City; Also, beginning at the intersection of Calaponia Street with Seventh Street, in said City of Albany, and running thence West on Seventh Street to the Western limits of said City; Also, beginning at a point on the Willamette River at the North End of Lyon Street in said City of Albany, and running thence South on Lyon Street to the Southern Pacific Railway Depot in said City of Albany, Oregon; Also, beginning at the intersection of First and Main Streets, in said City, and running thence South

ORDINANCE NO 478

Franchise, Portland Eugene & Eastern Railway Co.

on Main Street to its intersection of Eight Street.

The People of the City of Albany do ordain as follows:

Section 1. That there be and is hereby granted unto the Portland, Eugene & Eastern Railway Company, their assigns and successors, the franchise, right and privilege to lay down, construct and maintain lines of railway, and a system of single track railway, with convenient switches, turn-outs, curves, connections and turn-tables, and, for the purpose of operating said Railway and conveying power and electrical currents for its use, to put up, erect, maintain, and use poles and overhead wires, and lay down, construct, maintain and use underground slots and conduits and underground wires, conductors and cables, in, over, along and upon the following streets and portions of streets within the City of Albany, Oregon, to-wit:

Beginning at a point on the Willamette River at the North End of Calapooia Street, in the City of Albany, Oregon, thence running South on Calapooia Street to North Street; Also, beginning at the intersection of Calapooia ^{and First} Streets in said City and running thence East on First Street to the Eastern limits of said City; Also, beginning at the intersection of Second Street with Lyon Street, thence East on Second Street to the City limits; Also, beginning at a point where Eight Street in said City intersects Main Street in said City, and running thence West on Eight Street to Montgomery Street thence across block six in Hackleman's second addition to said City of Albany, to Ninth Street where it intersects Tucker Street, thence West on Ninth Street to the Western limits of said City; Also, beginning at the intersection of Calapooia Street with South Street in said City of Albany, and running thence West on South Street to the Western limits of said City; Also, beginning at a point on the Willamette River (at the North End of Lyon Street), in said City of Albany, and

Franchise Portland Engine & Eastern Railway Co.

running thence south on Lyon Street to the Southern Pacific Railway, &c. Also, beginning at the intersection of First and Main Streets, in said City of Albany, and running thence south on Main Street to its intersection with Eight Street.

Section 2. The said Portland Engine & Eastern Railway Company, its assigns and successors, may operate, and propel and haul cars over and upon the Railways mentioned in Section One of this Ordinance, by means of overhead or under-ground electrical power, storage batteries, compressed air, cables, or other mechanical power, except steam, and may at any time change the motive power and the mode of operating and propelling cars for any more improved, economical or desirable method, provided the Council of said City of Albany consents thereto by Ordinance duly passed.

Section 3. For the purpose of laying down, repairing and reconstructing the railway tracks authorized by this franchise, said Portland Engine & Eastern Railway Company, its assigns and successors, shall not obstruct any Street for a greater continuous distance than the length of five (5) blocks at any time, or for a longer period than four (4) weeks at any time, except that in case of bad weather, strikes, or other causes beyond the control of the holder of this franchise, said time may be extended at the discretion of the Council of said City of Albany.

Section 4. The tops of the rails of said tracks shall be laid flush with the established grade of said streets, and the tracks, curves and turnouts shall be laid in such a manner as to least obstruct the public in the use of said streets, the rails to be used in said streets to be of weight not less than sixty pounds to the yard. The track shall be laid in the center of the Street, except upon curves at the intersections of streets.

ORDINANCE No. 175

Franchise, Portland, Eugene & Eastern Railway Co.

or repairing any of the streets over which the Railways authorized by this Ordinance are constructed or operated: But all such work shall be done so as to cause as little obstruction or hindrance as possible to the ease and the operating of said railways, and the owner or owners of said railways shall have the privilege of raising or shifting the tracks so as to avoid as far as possible obstructing the operation of Cars during the progress of the street improvement, mowing, grading, paving, planing, macadamizing, improving, altering or repairing.

Section 7. In the event that the said Portland, Eugene & Eastern Railway Company, its assigns or successors, shall fail to construct and operate said Street Railway upon any street or portion of street the use of which is by this Ordinance granted to the said Portland, Eugene & Eastern Railway Company, its assigns and successors, for Street Railway purposes, within two years from the date of the acceptance of this franchise, then this franchise, as to such street or portion of street not so used and occupied hereunder, shall be forfeited to the City of Albany.

Section 8. In the event that the said Portland, Eugene & Eastern Railway Company, its assigns or successors, shall, during the life of this franchise, cease to operate said Street Railway upon any street or portion of street, the use of which is by this franchise granted to the said Portland, Eugene & Eastern Railway Company, its assigns and successors, for a continuous period of one year, then this franchise, as to such ^{street} or portion of street not so used and occupied hereunder, shall be forfeited to the City of Albany: And in such case, the holder of this franchise shall forthwith remove his or their tracks and other property from such street or portion of street, and, on the removal thereof shall restore and repair that portion of such street which, under the terms of this franchise, is to be kept in repair by the holder of this franchise, and placed in good order and condition for public travel.

ORDINANCE No. 478

Franchise Portland, Eugene & Eastern Railway Company,

City of Albany, Oregon

Section 9. The passenger cars used by the grantee of this franchise, its successors or assigns, upon the lines of rail-ways authorized by this ordinance shall be of good construction and suitable for the comfort, convenience and safety of passengers. The rate of speed of cars shall not exceed ten miles per hour upon streets within the limits of the City of Albany, and no car shall be allowed to stop or remain still upon any street crossing except to avoid accident. And no freight cars or trains of cars shall be left standing for more than one hour upon any of the streets granted under this franchise.

Section 10. The said Portland, Eugene & Eastern Railway Company, its assigns and successors, may transport passengers over all the streets and places mentioned in Section One of this Ordinance, at any time, and may transport freight, express, baggage and mail over all of its lines, at any time, except that freight shall not be transported on First Street from Lyon to Calapooia Street between the hours of six o'clock A. M. and 10 o'clock P. M. nor shall more than one freight car at a time be transported on Lyon and Calapooia Streets, or on First Street from Lyon to Calapooia Streets without the consent of the City Council.

The maximum rate of the fare for the transportation of passengers for a continuous trip over said streets herein specifically named is the sum of five (5) cents.

Section 11. The said rights, privileges and franchise herein granted shall terminate at the expiration of forty years from the date this Ordinance becomes in force, and this franchise shall begin to run on the day this Ordinance becomes in force.

Section 12. The said Portland, Eugene & Eastern Railway Company, its assigns and successors, shall, within thirty days after the approval of the Ordinance by the Mayor of the City of Albany, file in the office of the Recorder of said City a written acceptance of all the terms, conditions,

ORDINANCE NO. 178

Franchise, Portland, Eugene & Eastern Railway Company.

and provisions of this Ordinance and of the franchise hereby granted, and shall surrender to said City of Albany all those certain privileges and franchises granted to the Albany Street Railway Company, and its assigns, by Ordinance No. 185 of said City of Albany, passed by the Council February 26th, 1889, and approved by the Mayor February 28th, 1889, now owned and held by H. Lisowski, together with all those certain privileges and franchises granted to A. Welch, his heirs, assigns and successors by Ordinance No. 433 of said City of Albany, passed by the Council September 18th, 1907, and approved by the Mayor September 19th, 1907, and by Ordinance No. 448 of said City of Albany, passed by the Council May 18th, 1908, and approved by the Mayor May 16th, 1908; and the City of Albany shall return to said A. Welch a bond of (\$5,000.00) Five Thousand Dollars, given with Ordinance No. 433, to guarantee the building under said Ordinance.

Section 13. The said Portland, Eugene & Eastern Railway Company, its assigns or successors, shall commence the construction of railway tracks in accordance with the provisions of this Ordinance, on First Street from Washington to Lyon Street, thence south on Lyon Street to the Southern Pacific Railway depot in said City of Albany, within one month from the acceptance of this franchise, and shall complete such portion of said railway system within six months from the date of the acceptance of this Ordinance.

Section 14. That the said Portland, Eugene & Eastern Railway Company, its assigns or successors, in consideration for said franchise, shall pay to the City of Albany, an annual franchise license tax of one hundred dollars (\$100.00) per year, for the period of five years, commencing with the sixth year after the granting of this franchise, and the sum of two hundred dollars (\$200.00) per year, commencing with the eleventh year after the granting of this franchise, and for each and every year thereafter during the remainder of the said franchise period or fractional part thereof, which

ORDINANCE No. 178

Franchise, Portland, Eugene & Eastern Railway Company.

said payments shall be made during the month of January of each year when such payments are to be made. And, if said payments are not made as herein set forth, the City Council may by resolution or Ordinance declare said franchise forfeited.

And the said Portland, Eugene & Eastern Railway Company, for itself, assigns or successors, further agree to pay to the City of Albany any loss or damage to the said City of Albany may suffer or sustain by reason of the construction or maintenance of said railway or the repairing or replacing all or any of the sidewalks, cross-walks, bridges or pavements that may be disturbed in the course of the construction, installation or repair of said railway or any part of it.

Section 15. That in the event the said Portland, Eugene & Eastern Railway Company, its assigns or successors shall fail to maintain said street Railway or passenger cars in first class condition and order, or shall refuse or fail to furnish an efficient service in the supplying of cars for passengers, and for the public use at any time during the said term of this franchise, according to the terms of this franchise, the City of Albany shall have the right, after the failure or refusal of the holder of this franchise for a period of thirty (30) days after due notice on the part of the City of such delinquency, to declare all rights and privileges herein granted forfeited and upon said forfeiture, this franchise shall become null and void, and the City Council of said City of Albany may require by resolution or ordinance all rents, taxes, and other material belonging to the holder of said franchise in or upon said streets to be removed, and the streets to be placed in good order and condition for public travel.

Section 16. The right and power is hereby granted and the consent of the City of Albany is hereby given to the above named grantee of this franchise to transfer and convey the franchise and privileges by this Ordinance conferred upon it, its assigns and successors, to any person or firm, or any Corporation.

ORDINANCE NO. 178

Franchise. Portland Engine & Eastern Railway Company.

now formed, or hereafter to be formed for the purpose of constructing, maintaining or operating a street railway system according to the terms and conditions of this Ordinance.

Passed this 24th day of May, 1907.

Approved this 25th day of May, 1907.

*J. P. Wallace
Mayor*

*Attest:
I, F. M. Redfield,
Recorder 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. 178

has been by me carefully compared with the original *Ordinance bill No. 518*

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. 518 as passed by the City Council of the City of Albany, Oregon May 24th 1907

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

25th day of *May*, 1907

F. M. Redfield

Recorder of the City of Albany.