

ORDINANCE No. 570

Granting a franchise to the Oregon Electric Ry. Co

Ord. No. 570  
Granting a  
franchise to  
the Oregon Electric  
Ry. Co.

Repealed by Ord 575

An Ordinance granting 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, 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 gage, either single or double track, with power to change from one to the other, and such sidings, switches, curves and connections and other equipment as it may deem necessary or convenient, and to operate said 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:-

Commencing at the western boundary of the City of Albany, where said boundary is intersected by Fifth Street; thence easterly along Fifth Street to the eastern end of said Fifth Street; thence in a general easterly direction north of the right of way of the Southern Pacific railroad to such point on the eastern boundary of said City as may be selected by said grantee, and over and across all intervening streets, also on Baker Street between Fourth and Fifth streets, and on Baker Street between Fifth and Sixth streets,

Together with the right and privilege of constructing and maintaining on all of the streets above described, such frogs, switches, curves and connections as 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,

## ORDINANCE No. 110

## Granting a franchise to the Oregon Electric Ry. Co

And that there be and there is hereby 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 thereover, 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 intervening 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 intervening 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 herebefore 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 when such track or tracks

## ORDINANCE NO. 510.

shall cross sidewalks the same shall be planked, or otherwise laid and maintained as ordered by the Council and so as not to unnecessarily interfere with or damage said sidewalks.

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 or 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 repairs 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 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 the same quality

## Granting franchise to the Oregon Electric Ry. Co.

of pavement used by the City, between the rails of each track.

Section 6, That there shall be and is hereby granted to said Oregon Electric Railway Company, its successors and assigns, the franchise or right to erect poles and construct and maintain telephone or telegraph lines upon the streets and places heretofore 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 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 iron and across those waterways known as the Santiam ditch at its intersection of Thurston Street and Vine Street and all other waterways necessary to be crossed in the construction and operation of said railway, provided, however, that as to the crossing of said Santiam ditch, the street intersections shall be so bridged by said Railway Company, its successors and assigns, to the full width of the limits of Fifth Street; provided, however, that it shall be incumbent upon the City of Albany to compel the owners of, or those in control of the said Santiam ditch and other waterways, to consent to such crossings, all <sup>the</sup> bridges aforesaid shall be maintained by the said 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 track or tracks, within the limits of said City, and until such time as the City shall pave the remainder of the street outside of the railway tracks with hard surface pavement, the railway company, its successors or assigns, shall fill the space between the rails of each track and for one foot outside of the rails with plank, crushed rock or gravel, and as nearly flush with the tops of the rail as practicable so as to make it convenient to cross said track with teams.

## ORDINANCE NO.

Section 9. The motion 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 on all 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, nor shall any car be left standing in any street for a period of over one and one-half hours (1½), except during the period of construction of said railway.

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, and reasonably adequate service, such as the passenger traffic demands, shall be maintained in said City, provided, however, that strikes, strikes and other causes not under the control of said Railway Company, which shall prevent the operation of cars as herein provided, shall absolve the said Railway Company, its successors and assigns, from operating cars as provided in this section, during the continuance of such causes.

Section 13. All the rights herein granted shall continue and be in force and effect for twenty five (25) 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 15<sup>th</sup> day of April, 1912, its line, or lines of railway track or tracks on all the 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.

ORDINANCE No. 570

Granting franchise to the Oregon Electric Ry. Co

Section 14. All franchises or rights herein granted are upon the condition that said 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 a good and sufficient bond, in the sum of ten thousand dollars to be approved by the Mayor, conditioned that the Oregon Electric Railway Company, its successors or assigns shall on or before April 13<sup>th</sup> 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 limits of district necessary.

Section 15. That for single track construction the said track shall be constructed in the center of Fifth Street, and provided that for double track construction the said tracks shall be constructed as near the center of Fifth Street as practicable.

Passed and read the 20<sup>th</sup> day of April, 1910.  
The above Ordinance was presented to the Mayor April 21<sup>st</sup> 1910, and the same not having been approved or vetoed by him it became a Law this 2<sup>nd</sup> day of May 1910

Attest  
J. 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. 570  
has been by me carefully compared with the original Ordinance bill No. 570  
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. 570, as passed by the Council of the  
City of Albany, Oregon, on the 20<sup>th</sup> day of April, 1910.

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

25<sup>th</sup> day of May, 1910

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

Ordinance No. 570  
presented to Mayor  
April 21<sup>st</sup> 1910  
not approved  
became a law  
May 2<sup>nd</sup> 1910

