

AN ORDINANCE granting to Pacific Northwest Bell Telephone Company, hereinafter sometimes referred to as "grantee", its successors and assigns the right and privilege to do a general communication business and to place, erect, lay, maintain and operate in, upon, over and under the streets, alleys, avenues, thoroughfares and public highways, places, and grounds within the City of Albany, poles, wires and other appliances and conductors for all telephone, telegraph and other communication purposes.

THE PEOPLE OF THE CITY OF ALBANY ORDAIN AS FOLLOWS:

Section 1. There is hereby granted by the City of Albany to Pacific Northwest Bell Telephone Company, its successors and assigns, the right and privilege to do a general communication business within said City of Albany and to place, erect, lay, maintain and operate in, upon, over and under the streets, alleys, avenues, thoroughfares and public highways, places, and grounds within the said City, poles, wires and other appliance and conductors for all telephone, telegraph and other communication purposes. Such wires and other appliances and conductors may be strung upon poles or other fixtures above ground, or at the option of the grantee, its successors and assigns, may be laid underground, and such other apparatus may be used as may be necessary or proper to operate and maintain the same.

Section 2. It shall be lawful for said Pacific Northwest Bell Telephone Company, its successors and assigns, to make all needful excavations in any of such streets, alleys, avenues, thoroughfares and public highways, places and grounds in said City for the purpose of placing, erecting, laying and maintaining poles, or other supports or conduits for said wires and appliances and auxiliary apparatus or repairing, renewing or replacing the same. Said work shall be done in compliance with the necessary rules, regulations, ordinances or orders, which may during the continuance of this franchise be adopted from time to time by the City of Albany.

Section 3. Whenever Pacific Northwest Bell Telephone Company, its successors and assigns, shall disturb any of the streets for the purpose aforesaid, it or they shall restore the same to good order and condition as soon as practicable without unnecessary delay, and failing to do so the City of Albany shall have the right to fix a reasonable time within which such repairs and restoration of streets shall be completed, and upon failure of such repairs being made by said Company, its successors and assigns, the said City shall cause such repairs to be made at the expense of said Pacific Northwest Bell Telephone Company, its successors and assigns.

Section 4. Nothing in this Ordinance shall be construed in any way to prevent the proper authorities of the City of Albany from sewerage, grading, planking, rocking, paving, repairing, altering, or improving any of the streets, alleys, avenues, thoroughfares and public highways, places and grounds within the City of Albany in or upon which the poles, wires or other conductors of said Company shall be placed, but all such work or improvements shall be done if possible so as not to obstruct or prevent the free use of said poles, wires, conductors, conduits, pipes, or other apparatus. Whenever the City shall elect to improve, repair, maintain, or otherwise perform any work upon any of said streets, and the poles, wires or other installations of the grantee are located in such position as to constitute an interference with such improvement, repair, or maintenance, the grantee, upon reasonable notice thereof from the City, shall at its own expense move such poles, wires or other installations to a location or locations to be designated by the City but in so doing, the City shall not obstruct or prevent the free use by the grantee of its said facilities unless it is reasonably necessary that the same be done. In the event the grantee should fail or neglect to so move its said installations, the City shall cause the same to be moved at the expense of the grantee.

Section 5. Whenever it becomes necessary to temporarily rearrange, remove, lower or raise the aerial cables or wires or other apparatus of the grantee to permit the passage of any building, machinery or other object, the said grantee will perform such rearrangement within a reasonable period after written notice from the person or persons desiring to move said building, machinery or other objects. Said notice shall bear the approval of such official as the council may designate, shall detail the route of movement of the buildings,

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machinery or other objects, shall provide that the costs incurred by the grantee in making such rearrangement of its aerial plant will be borne by the person or persons giving said notice and shall further provide that the person or persons giving said notice will indemnify and save said grantee harmless of and from any and all damages or claims of whatsoever kind or nature caused directly or indirectly from such temporary rearrangement of the aerial plant of the grantee, and, if required by grantee, shall be accompanied by a cash deposit or a good and sufficient bond to pay any and all such costs as estimated by grantee.

Section 6. In consideration of the rights, privileges, and franchise hereby granted, said grantee, Pacific Northwest Bell Telephone Company, its successors and assigns, shall pay to the City of Albany, from and after the date of the acceptance of this franchise, and until its expiration; annually, three percent (3%) per annum of its gross local service revenues received within the corporate limits of the City of Albany less net uncollectibles and revenue paid directly by the United States of America or any of its agencies. The reasonable value of any utility service or the use of any Company facilities used or reserved for use by the City shall be credited toward any payment due the City under this provision. Payment of said three percent (3%) shall be made on a quarterly basis. Such 3% payment made by the grantee will be accepted by the City of Albany from the grantee, also in payment of any license, privilege or occupation tax or fee for revenue or regulation, or any permit fees or similar charges for street openings, installations, construction or for any other purposes now or hereafter to be imposed by the City of Albany upon the grantee during the term of this franchise.

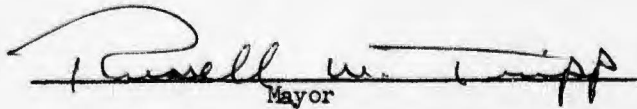
Section 7. The rights, privileges and franchise herein granted shall continue and be in force for the period of twenty (20) years from and after the date this Ordinance becomes effective, except that it is understood and agreed that either party may at any time from and after ten (10) years from the beginning date of this franchise, terminate this agreement upon six months notice in writing.

Section 8. This Ordinance shall take effect and be in force on the thirtieth day after its passage and approval, and the said grantee shall within thirty (30) days of the passage and approval of this Ordinance, file with the Recorder of the City of Albany its written acceptance of all the terms and conditions of this Ordinance.

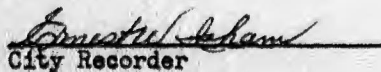
Passed and adopted by the Council the 8th day of May, 1968.

Approved by the Mayor the 8th day of May, 1968.

Effective date: June 7, 1968


Mayor

ATTEST:


City Recorder