

Ordinance No. 264

An Ordinance granting the Oregon Telephone and Telegraph Company and its assigns the right to erect, maintain and operate in the City of Albany, Oregon, in all the streets, alleys, avenues and thoroughfares thereof, except First Street, wires and other conductors for the transmission of electricity.

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

Ord. No. 264 Section 1: The right is hereby granted to the Oregon Telephone and Telegraph Company and its assigns to erect, lay, maintain and operate in the City of Albany, Oregon, including all the streets, alleys, avenues and thoroughfares thereof, except First Street, poles, wires, and other conductors for the transmission of electricity for telephone and telegraph purposes; such wire or conductors may be strung on poles or other fixtures above ground; Provided that said City hereby expressly reserves the right and power to at any time order and direct said Company, or its assigns to place all its wires and other conductors of electricity within the limits of said City under ground, when in the judgment of the Council said wires become so numerous as to so warrant, and the said Company or its assigns shall comply with such order when made, within a reasonable time thereafter, or all the rights and privileges hereby granted to said Company and its assigns then cease.

Section 2: It shall be lawful for said Company or its assigns, to make all needful and convenient excavations in any of the streets, alleys, avenues and thoroughfares in said City, except First Street for the purpose of erecting and maintaining poles or other supports for said wires for the purposes aforesaid. The location of such excavations, poles or other supports for such wires to be subject to the approval of the Committee on Streets and Public Property of

Said City; all poles to be of uniform size, and height and well painted, and set not less than five feet in the ground, and all such work to be done under the supervision of said Committee. Such poles to be so placed as not to interfere with any object lawfully existing in said streets, alleys, avenues, or thoroughfares or any of them.

Section 3. Whenever said Company or its assigns shall disturb any of said streets, alleys, avenues or thoroughfares for the purposes aforesaid, it or they shall restore the same to a good condition as when before disturbed, within three days from such disturbance.

Section 4. That whenever it shall be necessary in the erection of such poles or any of them, to take up any sidewalk, or to dig up the ground at the side or corner of any of said streets, alleys, avenues or thoroughfares, the said Company, or its assigns, shall after such poles are erected, without delay, remove any and all debris that may have been placed there in the erection of such poles, and shall put such sidewalk, street, alley, avenue or thoroughfare in as good condition as it was before the same was taken up or disturbed.

Section 5. Nothing in this Ordinance shall be so construed as to in any way prevent the proper authorities of said City from sewerage, grading, paving, flanking, or in any way repairing or altering any of said streets, alleys or thoroughfares therein mentioned.

Section 6. In consideration of the rights and privileges herein granted, the said City, by its authorized officers shall have the right, free of charge, to suspend upon the poles placed by said Company or its assigns in the streets, alleys, avenues and thoroughfares aforesaid, any and all wires which it may require for fire alarm or police telegraph service. And shall have free of charge, the use of all the telephone and telegraph lines of said Company, for City official business, passing into or through

said City, during the term of the rights and privileges hereby granted.

Section 7. The further right and privilege is hereby granted the said Company to lay two insulated or covered wires the entire length of the wagon bridge over the Millanette river at the northern terminus of Leatopois Street in said City. Such wires to be given no additional support other than what said bridge now affords, and such wires shall be laid without strain or stress upon such portions of said bridge, and as shall be designated by the Committee on Streets and public property of said City.

Section 8. That whenever any person has obtained permission to use any of the streets of the City of Albany for the purposes of removing any building the said Company or its assigns, upon twenty-four hours notice from such person, shall raise or remove any of the said wires which may obstruct the removal of such house or building, so as to allow the free and unobstructed passage of the same. Such notice shall be in writing and may be served by any person competent to be a witness in a civil action against said Company, or its assigns, or its or their representative, or agent, and in case of its or their refusal or failure to comply with such notice, the Superintendent of Streets, or other like Officer of the City, shall raise or remove said wires at the expense of said Company, or its assigns as the case may be, for the purpose aforesaid.

Section 9. That the City of Albany hereby reserves the right to alter, change or modify this ordinance or any of its provisions, having due regard to the rights of said Company, or its assigns. And in case it shall be necessary to cut any of the wires or other conductors of electricity of said Company in order to get fire ladders or apparatus to a building during a City conflagration, the City shall not be liable to

pay for the repairs to such wires.

Section 10: The rights, privileges and franchise herein granted shall continue and be in force for the full period of twenty-five years from the passage of this Ordinance.

Section 11: Said Company, before it, or its assigns, shall be allowed to lay any of its wires in the limits of said city or on said bridge, or make any excavation or set any of its poles, mentioned in this ordinance, within the limits of said city, shall file its acceptance in writing, with the Recorder of said city, of all the stipulations and conditions imposed upon it by this ordinance.

Section 12: This ordinance shall be in full force and effect from and after its approval by the Mayor.

Passed the Council August 7th 1892.

Approved September 5th 1892.

Attest:

W. H. Hutton
Recorder of the City of Albany.

J. L. Corrae
Mayor

Recorder's Certificate to Ordinance no. 364.

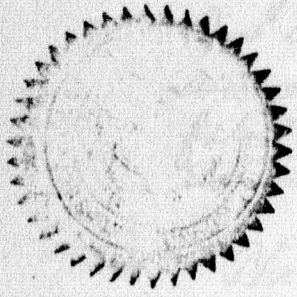
Office of City Recorder.

State of Oregon }
County of Linn }

I, W. H. Hutton, Recorder of the City of Albany Linn County Oregon, do hereby certify that the foregoing Ordinance no. 364, has been by me carefully compared with the original ordinance bill no. 372 now on file in this office, and that it is a true and correct transcript of all and the whole of said original bill no. 372, as passed by the Council

of said city of Albany August 7th 1892.

In witness whereof, I have hereunto set my hand and affixed the seal of the city of Albany, this day of 31st August A.D. 1892.



~~Alfred H. ...~~
Recorder of the City of Albany.