

ORDINANCE NO. 3194

**TITLE:** An Ordinance granting to Southern Pacific Company, a corporation created by and existing under the laws of the State of Kentucky, its successors, lessees and assigns, the right, privilege, permission and franchise for a period of twenty (20) years to construct, maintain and operate a railway spur track of standard gauge upon, over and across Second Avenue in the City of Albany, Linn County, Oregon.

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

**Section 1:**

That Southern Pacific Company, a corporation created by and existing under the laws of the State of Kentucky, its successors, lessees and assigns, be and it is hereby granted the franchise, right and privilege for a period of twenty (20) years from and after the effective date of this ordinance to construct, maintain and operate a railway spur track of standard gauge upon, over and across Second Avenue, in the City of Albany, Linn County, Oregon, the location of the center line of said spur track being more particularly described as follows:

Beginning at a point on the North line of Second Avenue that is Westerly 128 feet more or less from the intersection of the center line of Southern Pacific Company's Toledo Branch in Albany and the said North line of Second Avenue, thence South-easterly over and across Second Avenue 70 feet more or less from the intersection of the center line of the said Company's Toledo Branch and the said South line of Second Avenue.

**Section 2:**

Said grantee, its successors, lessees, or assigns, shall improve the area between the rails of the above mentioned track, and those portions of the street outside the rails extending to the ends of the cross ties, with materials similar to the paving of the present street, and shall thereafter maintain said portion of the said street in good condition and repair.

**Section 3:**

Said grantee, its successors, lessees, or assigns, shall lay, construct and maintain said spur track so as to conform to the grade of said street and in such manner as not to unnecessarily interfere with the public use thereof.

**Section 4:**

All rights and benefits contained in this franchise are granted upon the condition that the Southern Pacific Company, its successors or assigns, shall within thirty (30) days from the time this Ordinance is approved by the Mayor or otherwise becomes effective, file with the City Recorder of the City of Albany the written acceptance of the conditions herein contained.

**Section 5:**

As compensation to the City of Albany for the rights and privileges granted by this Ordinance and in order to secure to the City of Albany adequate and safe service, the Southern Pacific Company shall, within 18 months from the date of acceptance stipulated in Section 4 of this Ordinance, construct, pay for such construction, maintain and operate a warning signal protecting the traffic on Second Avenue from trains approaching Second Avenue from either direction on the spur track described above and/or on the track known as the Toledo Line; such warning signal to be in compliance with regulations as adopted by the State of Oregon Public Utility Commissioner for such installation.

Passed by the Council: May 14, 1965

Approved by the Mayor: May 14, 1965

Russell W. Dripp  
Mayor

Effective Date of Ord: June 13, 1965

ATTEST:

Ernest W. Deane  
City Recorder