

ORDINANCE NO. 387

Passed May 24th 1904.

Ord 387
Passed
5-24-04

An Ordinance granting W. D. De Varney and his 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, poles, wires and other conductors for the transmission of Electricity, and matters kindred thereto.

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

Section I: The right is hereby granted W. D. De Varney, and his assigns, to erect, lay, maintain and operate in the City of Albany, 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 wires or conductors may be strung for poles above the ground; provided said W. D. De Varney, and his assigns, shall have the right to string or suspend said wire and other conductors of electricity across said First Street at all points where streets, avenues or thoroughfares in said city cross or intersect said First Street; provided further that said City expressly reserves the right and power to at any time order and direct said W. D. De Varney or his assigns, to place said wires and other conductors of electricity underground, when in the judgement of the council said wires become so numerous as to warrant, and the said W. D. De Varney or his assigns shall comply with such order when made, within a reasonable time thereafter, and all rights and privileges hereby granted them cease

Section II: It shall be lawful for said W. D. De Varney or his assigns, to make all needful and convenient excavations in any of the streets, alleys, avenues and ~~avenues~~ thoroughfares in said city, except First Street, for the purpose of erecting and maintaining

poles or other supports for said wires for the purpose herein.

The location of such excavations for poles and other supports for such wires to be subject to the approval of the Committee on Streets and Public Comfort of said City, all poles to be of uniform size, height and painted, put up and braced in a substantial, safe, and workmanlike manner, and all such work to be done under the supervision of said committee. Such poles to be placed as not to interfere with and object lawfully existing in said streets, alleys, avenues or thorough thoroughfares or any of them.

Section III. Whenever said W. D. Barney, or his assigns shall disturb any of said streets, alley, avenue or thoroughfare, for the purpose aforesaid, he or they shall restore the same to as good condition as when before disturbed, within three days.

Section IV. 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 street, alley, avenue or thoroughfare, said W. D. Barney, or his assigns shall after such poles are erected and 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 V. Nothing in this ordinance shall be so construed as to in any way prevent the proper authorities of said City from paving, grading, paving, plankings or in any way repairing or altering any of said streets, alleys, avenues or thoroughfares herein mentioned.

Section VI. 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

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the poles placed by the said W.D. DeBarney, or his assigns, in ~~the streets~~ ^{the streets} alleys, avenues or thorough-ways, here said, any and all wires which it may require for fire alarm or police telegraph service, and shall have full charge of the use of all the telephone and telegraph lines of said W.D. DeBarney, or his assigns, for all official business passing into or through said city, during the term of the rights and privileges hereby granted. The telephones shall be placed and maintained by the said W.D. DeBarney in each of the engine houses now in the City or that may hereafter be built and used for fire purposes; the City Recorder's office; the City Marshal's office in separate rooms, at the expense of said W.D. DeBarney or his assigns all to be maintained free of charge.

Section II. - That whenever any person has obtained permission of the proper City officials to use any of the streets of the City of Albany for the purpose of removing any building, the said W.D. DeBarney, or his assigns, upon 24 hours notice from such person shall remove or raise any of 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 proved by any person competent to be a witness in a civil action against said W.D. DeBarney, or his assigns, or his or their representatives or agents, and in case of 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 W.D. DeBarney, or his assigns.

Section III. - That the people in Albany

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Section II that the City of Albany reserves the right to regulate the rates to be charged for the use of telephones within the corporate limits of the City of Albany during the life and continuance of this franchise, and in no event shall the case of W.D. DeVarney or his assigns charge to exceed the following rates per month:

he may reserves the right to alter, change or modify this ordinance or any of its provisions, provided such reserves to the rights of said W.D. DeVarney, and his assigns; and in cases it shall be necessary to cut any of the wires or other conductors of electricity of said W.D. DeVarney, or his assigns, in order to get fire ladders on apparatus to a building during a city conflagration, the City shall not be liable for the repairs to such wires.

Section IX: The rights, privileges and franchise herein granted shall continue and remain in full force for the period of twenty five (25) years from the passage of this ordinance, provided that work in the construction of the system shall begin within ninety days from and after the approval of this ordinance and that the system shall be completed and in operation within six months from the approval of this ordinance.

Section I: Before said W.D. DeVarney or his assigns shall be allowed to lay any of its wires in the limits of said city or shall make any excavations, or put any poles mentioned in this ordinance, within the limits of said city, said W.D. DeVarney, or his assigns shall file his or their acceptance in writing with the Recorder of said City of all the stipulations and conditions imposed by this ordinance.

Business telephones, one party,	\$2.00 per month
" two party,	\$1.50 per month
" three party,	\$1.25 per month.
" four party,	\$1.00 per month
Residence telephone One party,	\$1.25 per month
" two party,	\$1.00 per month
" three party,	.75 per month

Section II. That the City of Albany reserves the right to regulate the rates to be charged for the use of telephones within the corporate limits of the City of Albany during the life and

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and continuance of this franchise, and in no event shall the said H. E. DeBamus or his assigns charge to exceed the following rates per month:

Section II - The City of Albany hereby reserves the right to make an annual charge or fee on this franchise from and after the 1st day of August 1904 in such amount as may be decided upon by the Common Council of the City of Albany at that time, such amount to be the same as charged or imposed on other competing telephone lines, and a failure to pay such annual fee or charge shall forfeit the right to this franchise and all rights under it at the option of the City Council of the City of Albany.

Section III - That the poles and wires shall be erected in the alleys through the city instead of the streets unless permission to place said poles and wires on the streets by the Committee on Streets and Public Property, appointed by the Mayor of the City of Albany.

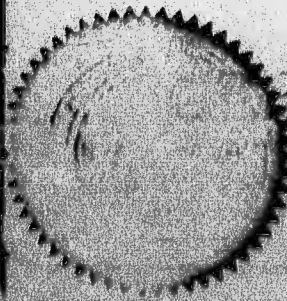
Section IV - This franchise shall not be assigned, sold or merged with any competing telephone company doing business within the City of Albany, and after the system is in operation, the closing of the central office for a period of sixty days or more shall forfeit the franchise and all rights under this ordinance.

Section V - This ordinance shall be in full force and effect from and after its approval passage by the Council and approval by the Mayor.

Approved this _____ day of _____ 1904.

The foregoing ordinance was returned by the Mayor June 3rd 1904 without his signature.

Attest: J. S. VanLinschoten
Recorder of the City of Albany



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City Recorder's Certificate.

STATE OF OREGON.
COUNTY OF LINN.

I, J. S. VAN WINKLE, Recorder of the City of Albany, in Linn County, and State of Oregon, do hereby certify that the foregoing

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has been by me carefully compared with the original *Ordinance bill No. 412*

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. 412 as passed by the City Council of the City of Albany Oregon, May 24th 1904*

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

3rd day of *June*

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J. S. VanWinkle
Recorder of the City of Albany.