

ORDINANCE No. 431

Franchise for the Construction of a Gas Plant,
Passed Aug 13 1907

Ord 431
Franchise
for the
construction
of a Gas
Plant
Passed
8-13-07

An Ordinance granting to James Steel, his heirs or assigns, the right to construct, own, acquire, maintain, conduct and operate a plant or plants for the manufacture of Gas within the corporate limits of the City of Albany, County of Linn, State of Oregon, to lay pipes and mains through and over the said streets, alleys and public places of said City for conducting and distributing the said gas.

The people of the City of Albany do ordain as follows:-

Section 1. That there be and hereby is granted to James Steel, his heirs or assigns, a franchise, right and privilege to construct, acquire, own, maintain, conduct and operate plants and works for the manufacture of gas, to be used for domestic and other purposes, within the corporate limits of the City of Albany, County of Linn, State of Oregon, and to furnish, provide and sell such quantities of gas as may be required within the said limits, for power, lighting and heating all public and private buildings, dwellings, stores, etc. in the said City, or elsewhere in the surrounding Country, and to construct, operate and maintain a gas pipe-line system, in, along, upon, and under all streets, avenues, lanes, alleys, squares and public places in said City.

Section 2. That the work of construction, install and erection of said plant and works, and the laying of said gas pipe-line system and mains, for the conduct and distribution of said gas, in and through the limits of said City and the surrounding Country, shall begin within three (3) months from the date of the acceptance of this franchise by the said James Steel, his heirs or assigns, and said gas plant shall be completed and in operation within one (1) year after this Ordinance goes into effect.

Section 3. That the Gas manufactured and sold to consumers within the said limits, by the said James Steel, his heirs or assigns, and used under this franchise, shall be of a quality not less than five hundred (500) British Thermal Units, and not less than twelve (12) candle power.

Section 4. That the said James Steel, his heirs or assignee shall not within the limit or

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life of this franchise, charge or demand from the consumer of gas hereunder, more than twenty five (25) cents per one thousand (1000) cubic feet of gas to be measured by a standard gas-meter, and forfeiture of this franchise to all the penalty of charging or attempting to charge more than said amount.

Section 5. That the said James Steel, his heirs or assigns, is hereby granted the right to make all needed rules and regulations for the distribution and sale of the said gas and the collection of such charges and the operation of said gas business, and he is hereby specially granted the right to charge and collect the sum of thirty five (35) cents as a monthly rental for each meter installed in the premises of any consumer of gas which shall be manufactured by this said gas plant within the corporate limits of the City of Albany, provided however, that said sum is only to be paid by the said consumer of gas whenever the reading of the said meter shows a volume of gas less in value than the said thirty five (35) cents.

Section 6. That whenever the said James Steel, his heirs or assigns, shall lay the said gas mains or feeders through any of the streets, alleys or public places in the said City of Albany, which are now, or hereafter shall be graded, paved or macadamized, there shall also be laid all necessary service pipes to connect said mains and feeders with the property at that time occupied with dwellings, stores and other buildings, and these service pipes shall be laid at least to connect alternate lots which are at that time occupied with dwellings, stores and other buildings.

Section 7. That this franchise is not to be disposed of to any competing company, but is to remain in the possession of the said James Steel, his heirs or assigns, for at least fifteen (15) years after this Ordinance goes into effect.

Section 8. That gas for lighting the City Hall buildings and for the and all buildings occupied and used by the Fire Department of the City of Albany, shall be supplied free, without any expense to the

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said City, for the full term of this franchise, provided however, that the said City shall, at its own cost, supply and pay for the necessary pipes and laying of same, to connect the said buildings with the mains or the feeders of the gas system herein mentioned.

Section 9. That in the event the said James Steel, his heirs or assigns, shall fail to maintain said gas plant or property in good order and repair, during the term hereof, or shall fail to provide efficient service in the supplying of gas for domestic purposes and for power, at any time during said term, the City of Albany shall have the right, after the failure or refusal of the said James Steel, his heirs or assigns, for a period of thirty (30) days after notice on the part of said City of such delinquency, to declare all rights and privileges herein granted, forfeited, and shall have the right to revoke all rights and privileges herein granted and contained.

Section 10. That the said James Steel, his heirs or assigns, under the direction of the Executive Board, or other properly constituted authority of the City of Albany, may make all necessary excavations, without any expense to said City, in any and all parts of said streets, alleys and public places, for the purpose of carrying into effect the provisions of this Ordinance.

When any excavation shall have been made pursuant to this ordinance, the said James Steel, his heirs and assigns, shall repair the portion of said street, alleys or public places to the same good order and condition to which it was prior to said repair work, and without expense to the said City, the same to be done under the direction and supervision and to be accepted by the Superintendent of Streets of said City.

Section 11. That the said City of Albany reserves the right at any time after five (5) years from the date of this Ordinance goes into effect to purchase and take over the said gas plant in the manner as hereinafter provided.

If the said James Steel or his heirs or assigns and the City of Albany cannot agree as to the price and terms of such sale, then in that event the presiding Judge of the Circuit Court of Lane County, Oregon, shall act as sole arbitrator as to the value of the property, i.e. the gas

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plant or plants, the pipe system and the property belonging to and used in connection with the management and operation of said gas business, which belongs or may belong to the said James Steel, his heirs or assigns and each party hereto shall have the right to offer evidence and to be heard the same as in a trial before said Court as to the value of said property.

After the hearing, the Judge of said Court shall write the judgment for the value of said property in favor of the said James Steel, his heirs and assigns and against the City of Albany for the amount of the value thereof, and there shall be no appeal from such judgment.

Section 12. That said James Steel his heirs or assigns shall within sixty (60) days after this Ordinance is in force, file in the Office of the proper official in the City of Albany, a written acceptance of this Ordinance, and a failure on the part of the said James Steel, his heirs or assigns, to file said written acceptance within the time specified herein, shall be deemed an abandonment of this Ordinance, and this Ordinance shall be forever null and void.

Section 13. That after the construction of the said gas plant, the said James Steel, his heirs or assigns shall file in the office of the proper official of the City of Albany, a map or plot showing the definite location of the said gas pipe system, as decided upon up to that date, and from time to time thereafter, as the City of Albany may require, there shall be added to such map each and all of the extensions, and changes of location of the pipes in said system.

Section 14. That the said James Steel, his heirs or assigns, before the commencement of the construction of said plant, shall furnish a good and sufficient surety bond in the sum of five thousand (\$5000) dollars, in favor of the said City of Albany, to be approved by the Mayor, and to be deposited with the proper official of said City, as security for, and conditioned upon the installation, completion and operation of the said gas plant herein provided for, and to insure the said City of Albany against loss or damage by reason of excavations to be made in said streets, and the replacing and repair of

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all sidewalks and pavements disturbed in course of construction, installation or repair of the said plant and pipe-system.

Section 15. That a sworn statement of the gross earnings of the said gas plant of its business within the corporate limits of the said City of Albany, shall be furnished to the said City of Albany, and filed with the proper official thereof within thirty days after the end of each calendar year, by the said James Steel, his heirs or assigns, and that a franchise tax of one hundred (\$100) dollars per annum be paid to the said City for the period of five (5) years beginning with the year 1908, and that thereafter, during the life of this franchise, that one (1) per centum of the gross revenue of the said gas company, on sales of gas within the corporate limits of the said City of Albany, be paid to the said City as an annual franchise tax, the same to be paid within thirty (30) days after the close of each and every year during the term of this franchise, and provided further, that at the close of each and every year during the life of said franchise, the said City of Albany or its personal representatives shall have the right to inspect the books of the said James Steel, his heirs or assigns and which are used in the conducting of said business.

Section 16. That all rights, privileges and franchises granted to the said James Steel, his heirs or assigns, by the said City of Albany, shall continue, exist and remain in force for the period of twenty five (25) years from the date this Ordinance is approved by the Mayor.

Section 17. This Ordinance shall take effect and be in full force from and after 30 days after its approval by the Mayor.

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

Approved Aug. 15th 1907
J. P. Stallaer
Mayor of the City of Albany

(Recorder Certificate over)

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City Recorder's Certificate.

STATE OF OREGON.

COUNTY OF LINN.

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. 431has been by me carefully compared with the original Ordinance Bill No. 463
now on file in my office, and that it is a true and correct copy of all and the whole of saidOrdinance Bill No. 463 as passed by the City Council
of the City of Albany, Oregon, August 13, 1907.

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

15 day of August, 1907.F. M. Redfield
Recorder of the City of Albany.