

ORDINANCE No. 143

A. Welch, additional Electric R.R. Franchise.

Ord 443
A. Welch
additional
Electric
R.R.
Franchise

For the records and release of this franchise
see Book of Ordinances Vol. 6, page 467.

Ordinance granting to A. Welch, his heirs assigns or successors, the right, privilege and franchise to lay down, build, construct and maintain lines of railway, and a system of single or double track railway with convenient switches, turn-outs, curves, crossovers and turn tables, and for the purpose of operating railways, and conveying power and electrical currents for its use, may put up, erect, maintain and use poles and overhead wires, and lay down, construct and maintain and use under-currents, slots, conduits, underground wires, conductors and cables, in, over, and upon the following streets within the City of Albany, Linn County, State of Oregon,

Beginning at the East end of Eighth Street, thence West on Eighth Street to Montgomery Street so as to enable street car tracks to be constructed diagonally across Block Six of Hackleman's Second Addition to the City of Albany, Oregon, to Ninth Street.

Also, beginning at the intersection of Sixth Street and Madison Street, thence South on Madison Street to Eighth Street.

Also beginning at the intersection of Ellsworth and Ninth Streets, thence North on Ellsworth Street to Second Street.

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

Section 1. That there be and hereby is granted unto A. Welch, his heirs, assigns or successors, the franchise, right and privilege to lay down, construct and maintain lines of railway, and a system of single or double track railway, with convenient switches, turn-outs, curves, crossovers and turn tables, and for the purpose of operating railways and conveying power and electrical currents for its own use, may put up, erect, maintain and use poles and overhead wires, and lay down, construct, maintain and use underground slots and conduits, and use underground wires, conductors and cables, in,

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along and upon the following streets of the City of Albany, County of Linn, State of Oregon, to-wit:

Beginning at the East end of Eighth Street, thence west on Eighth Street to Montgomery Street, thence diagonally across Montgomery Street so as to enable Street Car tracks to be constructed diagonally across block six in Hooker's Second Addition to the City of Albany, Oregon, to Ninth Street.

Also, beginning at the intersection of Sixth Street and Madison Street, thence South on Madison Street to eighth street.

Also, beginning at the intersection of Ellsworth and Ninth Streets thence North on Ellsworth Street to Second Street.

And provided further, that the location and placing of poles shall be under the supervision of the Council and the Superintendent of Streets.

Section 2. Said A. Welch, his heirs, assigns or successors, may operate and propel and haul Cars over and upon the railways mentioned in Section 1. of this Ordinance, by means of overhead or underground electrical power, storage batteries, compressed air, cables or other mechanical power except steam, and may at any time change the motive power and mode of operating and propelling Cars for any more improved, economical or desirable method provided the City Council consents thereto by ordinance duly passed, and provided further, that no Freight or Express shall be transported over the line or lines on Ellsworth Street from Ninth Street North to Second Street.

Section 3. For the purpose of laying down, repairing and reconstructing the railway tracks authorized by this franchise, said A. Welch, his heirs, assigns or successors, shall not obstruct any street for a greater continuous distance than the length of five (5) blocks at any time, or for a longer period than four (4) weeks at any time, except that in case of bad weather, strikes, or other causes, beyond the control of the said grantee, the City Council of the City of Albany may extend said time at their discretion,

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Section 4. The tops of the rails of said tracks shall be laid flush with the grade of said streets so as to offer as little obstruction as possible to the passage of vehicles or other public use of said streets, and the rails used on the streets aforesaid, shall be of such dimensions and designs as may be approved by the City Council of the City of Albany.

The construction and re-construction of the lines of railway authorized by this Ordinance shall be upon plans approved by the City Council.

The tracks on all single track roads shall be laid in the center of the streets, except at corners, unless otherwise directed by the Council of the City of Albany.

Section 5. Said A. Welch, his heirs, assigns or successors, shall fill in or grade to the established grade, or the grade that may be hereafter established, and plan, pave, re-pave, reconstruct, repair crosswalks, or sidewalks, or otherwise improve or repair and keep in good condition, from time to time, whenever directed by the Council, and in such manner as the City Council may direct, those portions of the street or streets, and other public places along and over which the said railways are or shall hereafter be constructed, the whole width of said railways, between the rails, and between the tracks, and for the width of one foot on the outside of the outermost rails, provided, that whenever said road shall cross any stream or draw, now bridged or hereafter bridged by order of the Council, said Railway Company, shall extend the bridge on both sides of the center of said railroad to the curb line of the streets, and maintain the same in good condition for the passage of wagons and vehicles used by the traveling public.

Section 6. Nothing in this Ordinance or any right, privilege or franchise granted by this Ordinance shall be construed to prevent the Municipal authorities of the City of Albany from paving, grading, paving, planing, macadamizing, improving, altering or

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repairing any of the streets over which the railways authorized by this ordinance are constructed or operated, but all such work shall be done so as to cause as little obstruction or hindrance as possible to the cars and the operating of said railways, and the owner or owners of said railways shall have the privilege of raising or shifting the tracks so as to avoid as much as possible obstructing the operation of cars during the progress of the street improvements, paving, grading, paving, planing, macadamizing, improving, altering or repairing.

Section 7. Any street granted by the City of Albany, Oregon to the said A. Welch, his heirs, assigns or successors, which shall not have been used by the said grantee for a period of eighteen (18) months shall be forfeited to the said City of Albany.

Section 8. In the event that any street or portion of street or other public place granted by this franchise and used by the grantee thereof, or his heirs, assigns or successors, shall during the life of this franchise, be abandoned by said grantee or his heirs, assigns or successors, shall forthwith remove his tracks and other property therefrom, and on the removal thereof, repair or reconstruct that portion of said street which under the franchise is to be kept by the said grantee or his heirs, assigns or successors, shall place said street in the condition required by the City Council.

If any portion of either of said streets herein before mentioned shall be abandoned as aforesaid, that portion of this franchise under which said portion of said street was used by said grantee, or his heirs, assigns or successors, shall thereafter be null and void, and shall be forfeited without any further action on the part of the City.

Section 9. The passenger cars used by the grantee of this franchise, and his heirs, assigns or successors upon the lines of railways authorized by this ordinance, shall be of good construction and suitable for the comfort, convenience and safety of passengers.

The rate of speed of cars shall not exceed ten miles per hour upon streets within the limits of the

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City of Albany, and no car shall be allowed to stop or remain still upon any intersection of streets.

Section 10. The said rights, privileges and franchises herein granted shall terminate at the expiration of twenty five years from the date this ordinance becomes of force. And this franchise shall commence to run on the said day this ordinance becomes of force.

Section 11. The said A. Welch, his heirs, assigns or successors, shall, within thirty days after the final approval of this Ordinance, file in the Office of the Recorder of the City of Albany, a written acceptance of all the terms, conditions and provisions of this Ordinance, and the franchise herein granted.

Section 12. Said A. Welch, his heirs, assigns or successors, shall commence the construction of railway tracks in accordance with the conditions of this Ordinance mentioned, within six months of the taking effect of the same, and shall complete such portion of such railway within the said City, within eighteen (18) months from the date of acceptance of this franchise.

Section 13. That in the event the said A. Welch, his heirs, assigns or successors shall fail to maintain said street railway or passenger cars in first class condition and order, and shall neglect or fail to furnish an efficient thirty-minute time schedule for City service in the supplying of cars for passengers, and for public use at any time during the said term of this franchise, the City of Albany shall have the right, after the failure or refusal of the said A. Welch, his heirs, assigns or successors for the period of thirty days, after due notice on the part of the said City, of such delinquency, to declare all rights and privileges herein granted forfeited, and upon said forfeiture this franchise shall become null and void, and the City Council of the City of Albany may require by resolution or ordinance, all rails, ties and other material belonging to said railway Company, in or on said streets to be removed, and the streets to be placed in good order and

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Condition for public travel
Section 114. This Ordinance shall be in full force and effect from and after thirty days from its approval by the Mayor.

Attest,
J. M. Redfield, Mayor of the City of Albany
Recorder of the City of Albany
Approved May 16, 1908
J. P. Wallace

City Recorder's Certificate.

STATE OF OREGON,
County of Linn.

I, ~~N. J. HAYTON~~ *J. 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. 443
has been by me carefully compared with the original *Ordinance Bill No. 480*
now on file in my office, and that it is a true and correct copy of all and the whole of said
Original Ordinance bill No. 480 as passed by the City Council of the City of Albany Oregon May 15, 1908
WITNESS, my hand and official signature and the seal of the City of Albany, this

16 day of *May* 190*8*

J. M. Redfield
Recorder of the City of Albany.

