

## ORDINANCE No. 1454

AN ORDINANCE to amend Section 1, of Ordinance No. 366, Passed by the Common Council of the City of Albany, on the 10th day of June, 1902, and approved by the Mayor of the City of Albany on the 11th day of June, 1902, as Amended by Ordinance No. 631, Passed by the Common Council of the City of Albany on the 23rd day of April, 1913 and Approved by the Mayor of the City of Albany on the 24th day of April, 1913, which said Ordinance No. 366 is Entitled as follows: "An ordinance relating to and granting a right of way to the Albany Canal, Water, Transportation and Lighting Company through the streets of Albany and extending and granting the franchise heretofore granted to John A. Crawford to said Company and regulating the exercise of the franchises granted to said Company, as Amended by Ordinance No. 1449, Passed by the Common Council of the City of Albany on the 28th day of June 1938 and Approved by the Mayor of the City of Albany on the 28th day of June, 1938.

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

Section 1. That Section 1, of Ordinance No. 366 as Amended by Ordinance No. 1449 be and the same is hereby Amended to read as follows:

Section. That there be and is hereby granted to the Albany Canal, Water, Transportation and Lighting Company, its Successors and assigns, at its instance and request, as the successor and assignee of John A. Crawford, the right of way through and along the streets of said city, and to cause water to flow in and along the same perpetually, so that the water shall not overflow the banks of said canal, as follows, to wit:

Commencing at the Southern end of Vine Street, thence down the center or middle of Vine Street to the Calapooia River. Also commencing at the intersection of Vine and Eighth Streets, thence along Eighth Street to the East Boundary line of the intersection of Eighth Street and Baker Street, thence ten feet on each side of the center line described as follows: Beginning at a point on the southerly line of Lot 6, Block 5; said point being approximately 10 feet distant easterly from the southwest corner of said Lot 6; thence in a southwesterly direction to a point on the center line of the existing Santiam Canal; said point being approximately 21 feet distant easterly from the point of intersection of the D.L.C. line dividing Blocks 5 and 9 with the center line of the existing Santiam Canal on Eighth Street, thence westerly on the center line of existing Santiam Canal to the intersection of said center line with easterly line of Concrete Arch Culvert in intersection of Baker and Eighth Street; also Beginning at a point on the easterly line of Lot 5, Block 5; said point being approximately 45 feet distant northerly from the southeast corner of said Lot 5; thence in a northeasterly direction across Montgomery Street to a point on the westerly line of Lot 8, Block 8; said point being approximately 62 feet distant northerly from the southwest corner of said Lot 8; also Beginning at a point on the easterly line of Lot 5, Block 8; said point being approximately 73 feet distant northerly from the southeast corner of said Lot 5; thence Easterly across Railroad Street to a point on the westerly line of Lot 8, Block 17; said point being approximately 38 feet distant northerly from southwest corner of said Lot 8; also Beginning at a point on the easterly line of Lot 5, Block 17, said point being approximately 157 feet distant southerly from the northeast corner of Block 17; thence northeasterly across Jackson Street to a point on the westerly line of Lot 1, Block 20; said point being approximately 93 feet and 5 inches distant southerly from the northwest corner of said Block 20; thence in a northeasterly direction to a point which is described as follows: 51 feet south of the northwest corner of Lot No. 4 in Block No. 20.

From the last above described point over the route of the present canal as the same is now constituted as follows: Thence to Thurston Street, then along Thurston Street to the Willamette River. Also commencing at the intersection of Water and Thurston Streets, thence to LaFayette Street, thence in a Southeasterly course along LaFayette Street to First Street, thence along First Street to Madison Street, thence along Madison Street to the Willamette River. Also commencing at the intersection of LaFayette Street and Water Street, thence along LaFayette Street to the Willamette River. Also commencing at the intersection of Thurston and Water Streets, in said city, and running thence along the center of Water Street to Railroad Street, and from thence to Robinson and West's Saw Mill and Cherr's Foundry, and from those two points in two channels, crossing Water Street, to the Willamette River.

The said several canals along said streets to remain and continue where they now are so long as said the Albany Canal, Water, Transportation and Lighting Company, its successors or assigns, may use them for the purpose of conveying water. And the rights, privileges and franchises heretofore granted to the Albany and Santiam Water Ditch or Canal Company or to John A. Crawford by ordinance are hereby fully approved, ratified and confirmed to said the Albany Canal, Water, Transportation and Lighting Company, its successors and assigns so far as the same are applicable at this time and the several rights of way, privileges and franchises herein enumerated and granted to said The Albany Canal, Water, Transportation and Lighting Company, shall operate and have the relation to the time when said several branches of said canal were actually constructed through and along the

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streets of said city and be valid and binding to all intents and purposes as of previously or made at the time. And the said The Albany Canal, Water Transportation and Lighting Company, its successors and assigns, are hereby authorized and empowered to continue to use and occupy so much of said several streets for said purposes as now occupies therefor.

Section 2. That upon the final passage of this ordinance by the Common Council of the City of Albany, Oregon, and its approval by the Mayor, the Mountain States Power Company, successor in interest of John A. Crawford, shall have a period of ten days within which to file its acceptance of this amendment to said Ordinance No. 366 as amended and in the event the acceptance thereof is not filed within said time, this amendment shall become absolutely null and void.

Passed by the Council this 13th day of July, 1938.

Approved by the Mayor this 13th day of July, 1938.

C.R. Ashton  
Mayor of the City of Albany.

ATTEST:

K.R. Horton  
Recorder of the City of Albany, Oregon.

STATE OF OREGON )

COUNTY OF LINN )

ss.

CITY OF ALBANY )

I, K.R. Horton, Recorder of the City of Albany, Linn County, Oregon, do hereby certify that the foregoing and annexed copy of Ordinance # 1454, has been by me carefully compared with the Original Ordinance Bill # 1558, and that it is a true and correct copy of the whole of said Ordinance Bill # 1558, passed by the Council of the City of Albany on the 13th day of July, 1938, and approved by the Mayor on the 13th day of July, 1938.

Witness my hand and official signature and the seal of the City of Albany, this 14th day of July, 1938.

K.R. Horton  
Recorder of the City of Albany, Oregon.