

AN ORDINANCE GRANTING TO THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, HEREINAFTER SOMETIMES REFERRED TO AS GRANTEE, ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND PRIVILEGE TO DO A GENERAL TELEPHONE AND TELEGRAPH BUSINESS AND TO PLACE, ERECT, LAY, MAINTAIN AND OPERATE IN, UPON, OVER, AND UNDER THE STREETS, ALLEYS, AVENUES, THOROUGHFARES AND PUBLIC HIGHWAYS, PLACES AND GROUNDS WITHIN THE CITY OF ALBANY, POLES, WIRES AND OTHER APPLIANCES AND CONDUCTORS FOR ALL TELEPHONE, TELEGRAPH AND OTHER COMMUNICATION PURPOSES.

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

Section 1: There is hereby granted by the City of Albany to the Pacific Telephone and Telegraph Company, its successors and assigns, the right and privilege to do a general telephone and telegraph business within said City of Albany and to place, erect, lay, maintain and operate in, upon, over and under the streets, alleys, avenues, thoroughfares and public highways, places and grounds within the said City, poles, wires, and other appliances and conductors for all telephone, telegraph and other communication purposes. Such wires and other appliances and conductors may be strung upon poles or other fixtures above ground, or at the option of the grantee, its successors and assigns, may be laid underground in pipes or conduits or otherwise protected, and such other apparatus may be used as may be necessary or proper to operate and maintain the same.

Section 2: It shall be lawful for said the Pacific Telephone and Telegraph Company, its successors and assigns, to make all needful excavations in any of such streets, alleys, avenues, thoroughfares and public highways, places and grounds in said City for the purpose of placing, erecting, laying and maintaining poles, or other supports or conduits for said wires and appliances and auxiliary apparatus or repairing, renewing or replacing the same. Said work shall be done in compliance with the necessary rules, regulations, ordinances or orders, which may, during the continuance of this franchise, be adopted from time to time by the City of Albany.

Section 3: Whenever the Pacific Telephone and Telegraph Company, its successors and assigns, shall disturb any of the streets for the purpose aforesaid, it or they shall restore the same to good order and condition as soon as practicable without unnecessary delay, and failing to do so the City of Albany shall have the right to fix a reasonable time within which such repairs and restoration of streets shall be completed, and upon failure of such repairs being made by said Company, its successors and assigns, the said City shall cause such repairs to be made at the expense of said the Pacific Telephone and Telegraph Company, its successors and assigns.

Section 4: Nothing in this Ordinance shall be construed in any way to prevent the proper authorities of the City of Albany from sewerage, grading, planking, rocking, paving, repairing, altering, or improving any of the streets, alleys, avenues, thoroughfares and public highways, places and grounds within the City of Albany in or upon which the poles, wires or other conductors of said Company shall be placed, but all such work or improvements shall be done if possible so as not to obstruct or prevent the free use of said poles, wires, conductors, conduits, pipes or other apparatus.

Section 5: Whenever the City shall elect to improve, repair, maintain, or otherwise perform any work upon any of said streets and the poles, wires or other installations of the grantee are located in such position as to constitute an interference with such improvement, repair, or maintenance, the grantee, upon reasonable notice thereof from the City, shall at its own expense move such poles, wires or other installations to a location or locations to be designated by the City but in so doing, the City shall not obstruct or prevent the free use by the grantee of its said facilities unless it is reasonably necessary that the same be done. In the event the grantee should fail or neglect to so move its said installations, the City shall cause the same to be moved at the expense of the grantee, its successors and assigns.

Section 6: Whenever it becomes necessary to temporarily rearrange, remove, lower or raise the aerial cables or wires or other apparatus of the grantee to permit the passage of any building, machinery or other object, the said grantee will perform such rearrangement on seven (7) days written notice from the person or persons desiring to move said building, machinery or other objects. Said notice shall bear the approval of such official as the common council may designate, shall detail the route of movement of the building, machinery or other objects, shall provide that the costs incurred by the grantee in making such rearrangement of its aerial plant will be borne by the person or persons giving said notice and shall further provide that the person or persons giving said notice will indemnify and save said grantee harmless of and from any and all damages or claims of whatsoever kind of nature caused directly or indirectly from such temporary rearrangement of the aerial plant of the grantee, and, if required by grantee, shall be accompanied by a cash deposit or a good and sufficient bond to pay any and all such costs as estimated by grantee.

Section 7: In consideration of the rights, privileges, and franchise hereby granted, said grantee, the Pacific Telephone and Telegraph Company, its successors and assigns shall pay to the City of Albany, from and after the date of the acceptance of this franchise, and until its expiration, annually, the sum of \$6,780.00 or a sum equal to two per cent (2%) of its gross local service receipts derived from the operation of telephones located within the corporate limits of the City of Albany, whichever sum is the greater. Payment of the sum provided for herein, shall be made in quarterly installments (the minimum quarterly payment being \$1,695.00) on or before the 15th day of May, August, November and February for the respective preceding calendar year quarters ending on the last days of

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March, June, September and December of each and every year during the term of this Franchise, except that payment for the period commencing on the date this Franchise becomes effective and ending December 31, 1957 shall be that portion of \$1,695.00 which the period from such effective date to December 31, 1957, bears to the full quarter period ending on December 31, 1957, or two per cent (2%) of the gross local service receipts derived from the operations of telephones located within the corporate limits of the City for that period, whichever sum is the greater. Such payment made by the grantee will be accepted by the City of Albany from the grantee, also in payment of any license, privilege or occupation tax or fee for revenue or regulation, or for any other purpose now or hereinafter to be imposed by the City of Albany upon the grantee during the term of this franchise.

Section 8: The rights, privileges and Franchise herein granted shall continue and be in force for the period of ten (10) years from and after the date this Ordinance becomes effective.

Section 9: This Ordinance shall take effect and be in force from and after thirty (30) days after passage and approval, and the said grantee shall, within thirty (30) days of the passage and approval of this Ordinance, file with the Recorder of the City of Albany, it's written acceptance of all the terms and conditions of this Ordinance.

Passed by the Council: October 24, 1957

Approved by the Mayor: October 24, 1957

W. L. Depina
Mayor

Effective Date: November 23, 1957

ATTEST:

Robert F. Sullivan
City Recorder