

ORDINANCE NO. 3193

TITLE: An Ordinance granting to Southern Pacific Company, its successors, lessees and assigns, the right, privilege and franchise to construct, maintain and operate standard gauge railway track over and across portions of west Twenty-Ninth Avenue in the City of Albany, County of Linn, State of Oregon.

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

Section 1:

That Southern Pacific Company, a corporation, its successors, lessees and assigns, be and they are hereby granted the right and privilege for a period of twenty (20) years from and after the effective date of this Ordinance to construct, maintain and operate a standard gauge railway track on, over and across portions of west Twenty-Ninth Avenue in the City of Albany, Linn County, Oregon, the location of the center line of said track being more particularly described as follows:

Beginning at a point in the North line of west Twenty-Ninth Avenue in the City of Albany said point being 29 feet Westerly measured at right angles from the Southern Pacific Company's original located main track at or near Railroad Engineer Station 3 plus 53; thence South, along a line parallel with and distant 29 feet Westerly measured at right angles from said main track, 60 feet to the South line of West Twenty-Ninth Avenue.

ALSO beginning at said point in the North line of West Twenty-ninth Avenue in the City of Albany; thence South on a number 7 turnout to the right 60 feet more or less to a point in the South line of West Twenty-Ninth Avenue.

Section 2:

Said grantee, its successors, lessees or assigns shall, if the street is improved across its right-of-way, improve the area between the rails and for a distance of two (2) feet outside of said rails of said track with either asphaltic concrete paving or with materials similar to the present pavement on these portions of said streets, or with creosoted gumwood crossing materials, and shall, at its own cost and expense, reconstruct or redress with asphaltic concrete or such other material as existing in said streets, the existing streets to meet the grade of said track and shall thereafter maintain the area between the rails and for a distance of two feet on either side thereof in good condition and repair.

Section 3:

That said track shall be constructed on the common level of said streets as established by Ordinance of the City of Albany.

Section 4:

This Franchise is granted upon the condition that the Southern Pacific Company, upon receiving proper approval from the Public Utilities Commissioner of the State of Oregon grant a right-of-way for the extension of west Twenty-ninth Avenue in the City of Albany over the property of the Southern Pacific Company so as to provide access to property lying adjacent to the east boundary of the railroad right-of-way as extended by West Twenty-ninth Avenue.

Passed by the Council: May 14, 1965

Approved by the Mayor: May 14, 1965

Russell W. Dripp
Mayor

Effective Date of Ord: June 13, 1965

ATTEST:

Ernest W. Deham
City Recorder