

A Bill for an ordinance granting unto E. P. McMahon, trustee, his successors and assigns, the right, privilege and franchise to lay down, construct, maintain and operate a railroad, railways, poles, wires and underground conduits and conductors in the town of Stayton, Marion County, Oregon; to operate cars and locomotives; to generate, transmit and sell power; to send and receive messages by telegraph, telephone or otherwise, over certain streets and public places within said town of Stayton, Oregon, and to authorize the construction, installation and maintenance of shops, fixtures, railway equipment, power houses, depots, stations, switches, sidings, wyes, turntables, and any other equipment or things necessary or convenient for the construction, maintenance and operation thereof, and declaring an emergency to exist.

THE TOWN OF STAYTON DO ORDAIN AS FOLLOWS:

Section 1. That there be and is hereby granted unto E. P. McMahon, trustee, his successors and assigns, the franchise, right and privilege to erect, lay down, relay, construct, re-construct, purchase, acquire, lease, repair, maintain, equip and operate, have, hold, use and enjoy for the period of Twenty years from and after the 6th day of November, 1917, a single railroad, or railway track with the necessary sidings, switches, turnouts, crossovers, curves, connections, and turntables, and to run and operate passenger, freight, mail, baggage and express cars by steam, electric or other power, along and upon the following named streets and highways in the town of Stayton, Marion County, Oregon, to-wit:

Commencing at a point on First street where it intersects the right-of-way of said railroad at or near station _____; running thence south along or near the center of First street to its intersection with the center of Water street; thence easterly along or near the center of Water street to a point near or just easterly of the intersection of Third street; thence in a northeasterly direction over and across Fourth street; thence over and across private property to the intersection of Sixth street with the Salem ditch; thence northerly along the center of the east half of Sixth street to the intersection of Hollister street. Also: Commencing in the center of Water street at its intersection with First street and running thence westerly along or near the center of Water street and West Water street to the west end of West Water street. Also: Commencing at a point in the center of the East half of Sixth street with its intersection with Hollister street and running thence along the center of Hollister street the entire length thereof as now laid out and indicated according to the recorded plat thereof now on file and of record in the office of the County Recorder in and for Marion County, Oregon. Provided, further, however, that the said E. P. McMahon, trustee, his successors and assigns, shall have the right, privilege and franchise to lay double track over and across said streets and right-of-way, or any part thereof at any time during the life of this franchise, when traffic conditions shall require it.

Section 2. That all tracks constructed under the provisions of this ordinance shall be laid flush with the grade of the streets where said streets have an established grade; and provided further, that when the track is laid upon a street where no grade has been established such track shall be brought to grade whenever such grade shall be established, and whenever any established grade shall be changed, the track shall also be changed to conform with the grade so established.

Section 3. That the said E. P. McMahon, trustee, his successors and assigns, may construct, operate and maintain telegraph, telephone and power lines along said streets for the purpose of transmitting messages and power over said lines, and also shall have the right, privilege and franchise of distribution and sale of electric power throughout said town of Stayton.

Section 4. That for said purposes and the practical enjoyment thereof, the said E. P. McMahon, trustee, his successors and assigns, are hereby authorized to erect poles, and string such wires or conductors upon poles or other fixtures above ground, or laid underground in pipes, conduits, or otherwise protected, and such other apparatus may be used as shall be necessary, proper or convenient to maintain and operate the same.

Section 5. It shall be lawful for said E. P. McMahon, trustee, his successors and assigns to make all needful and convenient excavations in any of said streets under the conditions hereinafter stated, for the purpose of establishing said railroad or railway, telegraph, telephone, or power lines; provided, that whenever any of said streets shall be disturbed, they shall be restored to good order and condition as soon as practicable and without unnecessary delay, and if not so restored, the council of said town shall have the right to fix, by resolution, a reasonable time within which said repairs and restorations of said streets shall be completed, and upon failure to complete said repairs, or make said restorations within the time prescribed by said council, the same may be repaired and placed in good condition by the street commissioner of said town at the expense of said E. P. McMahon, his successors and assigns.

Section 6. Nothing in this ordinance shall be construed as to prevent the proper authorities of said town of Stayton from sewerage, grading, paving, planking, improving, repairing or altering any of said streets, but all such work shall be done, if possible, so as not to disturb, injure or prevent the full operation of said railroad or railway, telegraph, telephone or power lines, but in case said town shall grade, pave, plank or repair any of said streets, the expense so incurred in improving the same between the railroad ties and for a distance of four (4) feet on each side of the center line of each track, and between all parallel tracks, shall be wholly borne and paid for by the said E. P. McMahon, trustee, his successors and assigns.

Section 7. All the rights, privileges and franchises herein granted shall continue and be in force and effect for the period of Five years from and after the 6th day of November, 1917; provided, that in case said railroad or railway is not constructed and in operation on or before the 1st. day of January, 1920, all rights, privileges, and franchises granted under this ordinance shall be of no force or effect from and after said 1st. day of January, 1920.

Section 8. All the rights, privileges and franchises herein set forth, are granted upon the further condition that the said E. P. McMahon, trustee, his successors or assigns, shall within sixty (60) days from the passage of this ordinance and its approval by the Mayor, file with the Recorder of said town a written acceptance of the same.

Section 9. Whereas, the Town of Stayton, Oregon, has no railroad connections whatever, whereby supplies and produce may be shipped to and from said town for the benefit of the people thereof and the many manufacturing industries situated therein: It is the judgment of the Council that an emergency exists, and that this ordinance is necessary for the immediate preservation of the peace, health and safety of said town, and an emergency is hereby declared to exist and that this ordinance shall be in full force and effect immediately upon its passage by the council and approval by the mayor.

Passed by the Council this 6th day of November, 1917.

Approved by the Mayor this 6 day of Nov. 1917.

W. A. Bunch Mayor.

Attest: J. B. Gries Recorder.

ORDINANCE NO. 147.

A Bill for an ordinance to ordain a proposed amendment to Section 2, of Chapter I. of the Charter of the Town of Stayton, Oregon, as submitted to the Council by initiative petition, and describing the territory proposed to be annexed to said town.

THE TOWN OF STAYTON DO ORDAIN AS FOLLOWS:

Section 1. Whereas an initiative petition has been filed with the Recorder of the Town of Stayton, Oregon, demanding that the Council call a special election to be held on the 10th day of June, 1918, for the purpose of submitting an amendment to Section 2, of Chapter I. of the Charter of the Town of Stayton, to the legal voters of said town for their approval or rejection, and also to the legal voters residing within the territory proposed to be annexed to said town by said amendment: and

Whereas said petition has been signed by 114 legal voters residing within said town; and whereas the total number of votes cast at the last municipal election held within said town of Stayton, was 146, which said election was held on Monday, the 4th day of December, 1916; and whereas the laws of the State of Oregon require that initiative petitions for the annexation of territory to a municipal corporation be signed by not less than one-fifth of the qualified electors of such corporation as shown by the vote cast at the last municipal election held therein;

NOW THEREFORE it is declared and ordained that said petition has been signed by more than the required number of legal voters residing within said town and that said proposed amendment shall be ordained and submitted to the legal voters of said town, and also to the legal voters residing within the territory proposed to be annexed to said town for their approval or rejection as required by law.

Section 2. That Section 2, of Chapter I. of the Charter of the Town of Stayton, Oregon, shall be and the same is hereby amended to read as follows:

"Section 2. The limits of said town and the boundaries of said corporation over which said town shall exercise municipal authority shall be within the following territory, to-wit:

Beginning at a point 30 feet South of the Northeast corner of Section 10, in Township 9 South, Range 1 West of the Willamette Meridian; running thence West 360 rods; thence South and parallel with the west boundary line of said section 10, to the north bank of the North Santiam river; thence Easterly up said river and meandering with the north bank thereof to the East boundary line of Section 15, in said Township and Range; thence North along the East boundary line of said Sections 15 and 10 to the place of beginning."

Section 3. That this ordinance shall not become effective until approved by a majority of the legal voters of said Town of Stayton, and also approved by a majority of the legal voters residing within the territory proposed to be annexed to said Town of Stayton, which

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said territory so proposed to be annexed to said Town of Stayton is described as follows:

Beginning at a point 30 feet South of the Northeast corner of Section 10 in Township 9 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; running thence West and parallel with the north boundary lines of said section 10, and section 9, in said township and range 360 rods; thence South and parallel with the west boundary line of said section 10, to the north bank of the North Santiam river; thence Easterly up said river and meandering with the north bank thereof to a point 40 rods due west of the half section line dividing section 15, in said township and range into east and west halves, said point being also the Southwest corner of the Town of Stayton, Oregon; thence north along the west boundary line of said town to the half section line dividing said section 10, into north and south halves, said point being also the Northwest corner of said town; thence East along said half section line 200 rods to the east line of said section 10; thence North along the east boundary line of said section 10 to the place of beginning.

Passed by the Council this 7th day of May, 1918.

Approved by the Mayor this 7th day of May, 1918.

W. B. Bunchump Mayor.

Attest: J. D. Grier Recorder.