

ORDINANCE NO. 156

A BILL for an ordinance granting unto Portland and Southeastern Railway Company, its 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; repealing ordinance No. 146 of the town of Stayton, Oregon, and declaring an emergency.

THE TOWN OF STAYTON DO ORDAIN AS FOLLOWS:

Section 1. That there be and is hereby granted unto Portland and Southeastern Railway Company, its 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 Fifty (50) years from and after the 19th day of July, 1919, 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 in the center of First street where said First street intersects the right-of-way of said railroad at or near station L 862+58; 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 north-easterly 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 Portland and Southeastern Railway Company, its 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 Portland and Southeastern Railway Company, its 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 purpose and the practical enjoyment thereof, the said Portland and Southeastern Railway Company, its 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 Portland and Southeastern Railway Company, its successors and assigns, to make all useful 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 restoration of said streets shall be completed, and upon failure to complete said repairs, or make said restoration 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 the said Portland and Southeastern Railway Company, its 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 Portland and Southeastern Railway Company, its 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 Fifty (50) years from and after the 19th day of July, 1919; provided, that in case said railroad or railway is not constructed and in operation on or before the 1st day of January, 1922, all rights, privileges, and franchises granted under this ordinance shall be of no force or effect from and after said 1st day of January, 1922.

Section 8. All rights, privileges and franchises herein set forth, are granted upon the further condition that the said Portland and Southeastern Railway Company, its 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. THAT, WHEREAS, the said Portland and Southeastern Railway Company is the successor in interest of E. P. McMahon, trustee, grantee named in Ordinance No. 146 passed by the Council of the town of Stayton on the 6th day of November, 1917, and whereas, owing to the unsettled condition existing on account of the World's war it has been impossible to comply with the terms and provisions of said ordinance, and whereas the town of Stayton is desirous of extending the time in which the terms and provisions thereof may be complied with, NOW, THEREFORE, all of ordinance No. 146, passed by the Council on the 6th day of November, 1917, and all ordinances and parts of ordinances in conflict with this ordinance be and the same are hereby repealed.

Section 10. 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 19th day of July, 1919.

Approved by the Mayor this 19 day of July, 1919

Grant Murphy
Mayor

Attest:

J. O. Grier Recorder.