

ORDINANCE NO. 834

AN ORDINANCE AMENDING STAYTON CITY ORDINANCE NO. 539 TO EXTEND THE NON-EXCLUSIVE FRANCHISE OF PACIFIC POWER AND LIGHT COMPANY THROUGH OCTOBER 17, 2001; AND, DECLARING AN EMERGENCY.

WHEREAS, the City of Stayton has, through Ordinance No. 539, granted a non-exclusive franchise to Pacific Power and Light Company, an Oregon corporation, to construct, maintain and operate, in, on and under the present and future streets, alleys, bridges and public places of the City of Stayton, Marion County, Oregon, electric light and power lines and appurtenances for the purpose of supplying electricity and electric service to the City of Stayton;

WHEREAS, through subsequent corporate restructuring, Pacific Power and Light Company is now more properly described as PacifiCorp doing business as (dba) Pacific Power and Light Company;

WHEREAS, on May 7, 2001, through Ordinance No. 829, said franchise was extended until August 18, 2001;

WHEREAS, the City of Stayton and PacifiCorp continue to be actively engaged in the development of a suitable franchise renewal Ordinance;

WHEREAS, the development and passage of a franchise renewal Ordinance cannot reasonably be concluded prior to August 18, 2001;

WHEREAS, PacifiCorp desires to continue, uninterrupted, the operation of its electric utility system within the City of Stayton;

WHEREAS, it is appropriate that the City of Stayton and PacifiCorp dba Pacific Power and Light Company be allotted additional time to finalize the negotiation of a renewal of a franchise agreement from August 18, 2001 through October 17, 2001; and,

WHEREAS, it is appropriate that an emergency be declared as to the enactment of this Ordinance so that it will be in full force and effect on August 18, 2001 when the extension granted through Ordinance No. 829 is scheduled to expire.

NOW THEREFORE, the Stayton City Council does ordain as follows:

SECTION 1. City of Stayton Ordinance No. 539, Section 1, is amended to read:

Section 1. The City of Stayton, Marion County, Oregon, hereinafter called the City, does hereby grant to PacifiCorp dba Pacific Power & Light Company, a corporation, and to its successors and assigns, hereinafter called Grantee, a right and franchise from August 18, 2001 through October 17, 2001, to construct, maintain and operate in, on and under the present and future streets, alleys,

bridges and public places of the City, hereinafter referred to as "streets," electric light and power lines, with all the necessary or desirable appurtenances, for the purpose of supplying electricity and electric services to the City and to the inhabitants thereof, and to persons and corporations beyond the limits of the City, subject to the terms and conditions and to the making of the payments hereinafter specified.

SECTION 2.

All other terms and conditions of Ordinance No. 539, shall remain unchanged.

SECTION 3.

Within thirty (30) days after enactment of this ordinance and approval by the Mayor, PacifiCorp dba Pacific Power and Light Company shall file with the City Administrator for the City of Stayton a written acceptance, attached hereto as Attachment A and by this reference made a part of this ordinance, stating that PacifiCorp dba Pacific Power and Light Company accepts this amendment to Ordinance No. 539 and agrees to comply with all the terms and conditions of this ordinance.

SECTION 4.

Due to the need to continue the terms of said franchise, in an uninterrupted manner, an emergency is hereby declared and, upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become effective August 18, 2001.

ADOPTED BY THE STAYTON CITY COUNCIL this 6th day of August, 2001.

CITY OF STAYTON

Signed: August 7, 2001

By: Gerry Aboud
Gerry Aboud, Mayor

Signed: August 8, 2001

ATTEST: Chris Childs
Chris Childs, City Administrator

APPROVED AS TO FORM:

David A. Rhoten
David A. Rhoten, City Attorney

ATTACHMENT A

ACCEPTANCE OF ORDINANCE NO. 834
City of Stayton, Oregon

TO THE MAYOR AND COUNCIL OF THE CITY OF STAYTON:

WHEREAS, on the 6th day of August, 2001, the Stayton City Council of the City of Stayton, Oregon, enacted Ordinance No. 834, which is:

AN ORDINANCE AMENDING STAYTON CITY ORDINANCE NO. 539 TO EXTEND THE NON-EXCLUSIVE FRANCHISE OF PACIFIC POWER AND LIGHT COMPANY THROUGH OCTOBER 17, 2001; AND, DECLARING AN EMERGENCY.

WHEREAS, the ordinance was granted upon the condition that the Grantee, PacifiCorp dba Pacific Power and Light Company, shall, within thirty (30) days of the passage and approval of the ordinance, file with the City Administrator or the City of Stayton, its written acceptance of all terms and conditions of the ordinance:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that PacifiCorp dba Pacific Power and Light Company does hereby accept Stayton City Ordinance No. 834 and all the terms and conditions of said ordinance.

IN WITNESS WHEREOF, Pacific Power and Light Company Inc. has caused this acceptance to be duly executed this 14th day of August, 2001.

PACIFICORP DBA PACIFIC POWER AND LIGHT
COMPANY

By: Doris R. Johnston

Date: August 14, 2001

Received by the City of Stayton:

By: CM Childs

Date: 8-15-2001

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