

CORVALLIS GAZETTE



VOL. XLIII.

CORVALLIS, BENTON COUNTY, OREGON, FRIDAY, JANUARY 12, 1906.

NO. 6

FRANCHISE GRANTED.

City Fathers Pass the Measure Almost Unanimously.

For an ordinance granting to A. Welch, his heirs, executors, administrators and assigns, the right to erect and maintain a system of electric power and lights in the city of Corvallis, Benton county, Oregon, and authorizing the erection and construction of all equipment for the operation and maintenance thereof.

THE CITY OF CORVALLIS DOES ORDAIN AS FOLLOWS:

Section 1. That authority be and the same is hereby given, granted and vested by the Common Council of the City of Corvallis, in Benton county, Oregon, in A. Welch, his heirs, executors, administrators and assigns the right, privilege and franchise to erect, lay, equip, maintain, construct and operate in the city of Corvallis, in Benton county, Oregon, including all streets, alleys, avenues, boulevards and thoroughfares thereof, posts, poles, towers, wires and other conductors for the transmission of electricity for electric power, electric lights and all other purposes for which electricity may be or is used, and to sell or otherwise dispose of electric power, electric lights and electricity to all persons or corporations whatsoever within the limits of said City of Corvallis.

Section 2. For the purposes aforesaid and for the practical enjoyment of the said rights and franchise the said A. Welch, his heirs, executors, administrators, and assigns are hereby authorized to string such wires or other conductors upon poles or other fixtures above ground, or lay the same under ground in pipes or conduits, or otherwise protected, and to use such other apparatus as may be necessary or proper to maintain and operate the same.

Section 3. Such posts, poles, towers, or other supports shall be placed at such points in the streets, alleys, avenues, boulevards and thoroughfares of said city, and the wires or other conductors thereon strung to such a height as least to interfere with the travel and use thereof, and the placing of such posts, poles, towers, or other supports and the laying of such pipes and conduits shall be subject to the reasonable control of the Common Council of said City as the public interests may require. No poles or other supports above the ground shall hereafter be placed on Second street in said City between Adams street and Van Buren street, and from and after the 28 day of November 1913 all wires maintained under the authority of this franchise as well as the posts, poles, towers or other supports thereof shall be removed from such portion of Second Street.

The City reserves the right to require that all posts or other supports above the ground maintained under the authority of this franchise to be painted from time to time as may be necessary to keep the same in reasonably sightly condition.

Section 4. It shall be lawful for the said A. Welch, his heirs, executors, administrators or assigns, to make all needful or convenient excavations in any of the streets, alleys, avenues, boulevards and thoroughfares of said City of Corvallis for the purpose of erecting and maintaining the posts, poles, towers, or other supports for the said wires or for the purpose of laying, maintaining and operating wires and other conductors under ground for the purposes aforesaid or to repair and improve such electric power or light system and to extend the same as the growth of said City or the needs of the inhabitants thereof may require, provided that when the said A. Welch, his heirs, executors, administra-

tors or assigns, or any person or corporation under the authority of this franchise shall disturb any of the said streets, alleys, avenues, boulevards or thoroughfares for the purposes aforesaid he, it or they shall restore the same to good order and condition as soon as practicable and without unnecessary delay, and failing so to do after five days notice from the Street Commissioner or Street Committee of the Common Council of the said City the said Street Commissioner or Street Committee may place the said street, alley, avenue, boulevard or thoroughfare in such condition at the expense of the City and the City may recover from the person or corporation enjoying this franchise double the amount of the cost thereof.

Section 5. None of the operations, works, erections, or excavations of the person or corporation enjoying this franchise shall at any time be allowed to interfere with the sewerage, grading paving, planking, repairing and altering of any of the streets or alleys of the said City or with any work of like character undertaken for or on behalf of said City in any such streets or alleys.

Section 6. Whenever any person or corporation having obtained permission from the Street Committee of the Common Council of said City shall desire to remove any building or other structure through any street of said City with which moving the wires or other conductors of the person or corporation enjoying this franchise shall upon twenty-four hours notice from the said Street Committee or some member thereof raise or remove said wires or other conductors so as to allow the free and unobstructed passage of such building or structure, and upon the failure of such person or corporation to raise or remove any such wires or other conductors the said Street Committee may raise or remove the same at the expense of the City and the City may recover from the person or corporation enjoying this franchise double the expense thereof.

Section 7. On or before the first day of May, 1906, the said A. Welch, his heirs, executors, administrators, or assigns enjoying this franchise shall bring electric power to said City of Corvallis, and install and have in operation the necessary apparatus for distributing of power in said City of Corvallis and shall thereafter during the life of this franchise maintain sufficient power to supply the demands of all persons or corporations, public or private, for power for manufacturing or other purposes within said City at reasonable rates, which shall be uniform for like amount of power under like circumstances, and without discrimination against any person or corporation.

The franchise and authority to sell electric power in said City and to maintain wires and supports for the purpose of conveying and distributing the same is and shall be limited as follows: The person, firm or corporation enjoying this franchise shall not during the term thereof charge more than the following maximum rates for power, to-wit: Seven cents for 100 kilowatts per month or less; six and one-half cents for 100 to 200 kilowatts per month; six cents for 200 to 300 kilowatts per month; five and one-half cents for from 300 to 400 kilowatts per month; five cents for from 400 to 600 kilowatts per month; four and one-half cents for from 600 to 800 kilowatts per month; four cents for from 800 to 1000 kilowatts per month; three and one-half cents for from 2000 to 4000 kilowatts per month; two cents for 4000 or more kilowatts per month.

Section 8. Failure on the part of the said A. Welch, his heirs, executors, administrators

or assigns, enjoying this franchise fully to comply with the provisions and requirements of the foregoing section shall work a forfeiture of this franchise and render void all rights, privileges and franchise granted by this ordinance.

Section 9. On the 28th day of November, 1913, and at the end of each successive period of five years thereafter the said City shall have the right and option to purchase under proper legislative power either now held by said City or hereafter to be granted, upon one year's written notice to the said A. Welch, his heirs, executors, administrators or assigns, the said electric light plant including all fixtures, wires, lamps, structures, buildings and land necessary to the operation of said electric light plant at a valuation to be fixed and determined by appraisal of such plant by three arbitrators to be selected, one by the said City of Corvallis, one by said A. Welch, his heirs, executors, administrators or assigns, and the third to be chosen by the two so selected, whose decision as to the valuation of said electric light plant shall be final. In arriving at the value of said electric light plant this franchise and the good will of said business shall not be deemed a part thereof of the value.

When the value of such plant shall be found and determined by such appraisers the amount so determined shall be paid by the said City of Corvallis to the said A. Welch, his heirs, executors, administrators or assigns, enjoying this franchise, and thereupon said electric light plant shall be by said A. Welch, his heirs, executors, administrators or assigns, sold and conveyed to said City clear of all encumbrance and the possession thereof be delivered to said City. However, nothing in this section shall be construed as giving to said City the right or option to purchase or acquire said power plant or any apparatus used in or about the same or necessary for its full enjoyment, including the right and franchise for the use of the streets, alleys, avenues, boulevards and thoroughfares of said City for said power purposes.

Nothing herein shall be construed as requiring said City, in the event of its purchasing said plant, to purchase an engine, machinery or equipments used in or for generating power for said plant.

Section 10. In case the said City shall at any time notify the person or corporation enjoying this franchise of its election to exercise the option provided in the foregoing section and the person or corporation enjoying this franchise shall fail to do or perform all acts and things necessary and proper by him or it to be done and performed to consummate such sale within a reasonable time after such notice, this franchise and all rights and privileges hereby granted so far as the same relates to the establishment or maintenance of such electric light plant or grants any privileges to sell electric lights to any person or corporation within said City shall cease and become null and void.

From and after the purchase of said electric light plant or such part thereof as the said A. Welch, his heirs, executors, administrators or assigns enjoying this franchise may elect to sell upon receiving notice of the election of said City to exercise the option of purchase hereinbefore provided, or from and after the purchase of the electric light plant of the Corvallis Electric Light and Power Company, or in the event of such purchase, under authority or power so to do contained in an ordinance of said City and contract with said Company therein authorized, which ordinance passed the Common Council of said City November 26, 1903, and was approved by the Mayor of said City November 23, 1903, or otherwise, this franchise so far as it gives or grants any right or privilege to sell electric lights to any person or corporation in the City of Corvallis or to main-

tain a plant for that purpose of said City shall become null and void.

Section 11. In consideration of the rights and franchises herein granted and after the expiration of the present lighting contract between the City of Corvallis and the Corvallis Electric Light and Power Company the said A. Welch, his heirs, executors, administrators and assigns, agree to furnish and supply, and it is a condition of the grant of the aforesaid franchise that the person or corporation enjoying this franchise shall furnish and supply electric lights to the said City of Corvallis for street lighting or other municipal purposes during any portion of the life of this franchise desired by such city at a rate not to exceed that charged or levied by said Corvallis Electric Light and Power Company under its present contract with said City for the same kind or character of lamp and candle power and not to exceed \$1.50 per month each for fifty candle power incandescent lights.

The franchise and authority for the use of the streets of said City herein granted is and shall be limited by and subject to the further condition that the person, firm or corporation enjoying this franchise shall not during the term thereof charge more than the following maximum rates for electric lights: For residences a flat rate of seventy-five cents per month for one 16-candle power light and of fifty cents per month each for from two to four 16-candle power lights, or a meter rate of ten cents per thousand watts with seventy-five cents month minimum charge. For business houses a meter rate of ten cents per thousand watts with a minimum of \$1.50 per month under ten 16-candle power lights; and of \$3 per month for 10 or more 16-candle power lights; arc lamps \$2 each per month and a meter charge of five cents per thousand watts or a flat rate of \$5 each per month for midnight service. Provided that the maximum rates herein shall not apply to the irregular uses or such places as shall use but small amounts of light.

The said City of Corvallis reserves and shall have the right to regulate rates for service to consumers within said city so that they shall at all times be reasonable. Also reserve the right from and after November 28, 1913, to fix a charge of not to exceed 2 per cent of the annual gross earnings of the electric light plant which

(Continued on fourth page.)

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