

ORDINANCE NO. 28

An ordinance authorizing J.I. Johnson, his successors or assigns to construct, maintain and operate a water system and lay all necessary water pipes in all that portion of the city of Milwaukee lying east of the Southern Pacific Railroad track.

Milwaukee does hereby ordain as follows:

- Sec. 1. That a franchise be and is hereby granted to J.I. Johnson, his successors and assigns to construct, maintain and operate a water system in and throughout all that portion of the city of Milwaukee lying east of the Southern Pacific Railroad track for a period of 20 years from and after the passage of this ordinance, and to that end said J. I. Johnson, his successors and assigns may construct and install all necessary tanks, reservoirs, engines, machinery and lay all mains, laterals, pipes, gates, hydrants, and apparatus necessary or appropriate to the operation of such water system and may collect the charges and tolls for the use of the water supplied by or through such system; may lay such mains and laterals and pipes in and under any of the streets of said portion of the city of Milwaukee and may make such excavations in said streets as shall be necessary in order to lay such pipes, but shall restore said streets where so excavated to their original condition and all such excavations shall be made as expeditiously as practicable and with only such disturbances of the traffic upon and use of said streets by the public as is reasonably necessary.
- Sec. 2. The said water plant shall be in running order within three (3) months after this franchise becomes effective.
- Sec. 3. The grantees of this franchise or their successors and assigns holding the same, shall furnish water to all persons who shall apply for water in the territory covered by this franchise

and shall pipe water to the property of persons so applying if within 700 feet of the water main, provided that there shall be as many as seven consumers, within said 700 feet and all extensions beyond 700 feet or in cases where there shall not be seven consumers shall be referred to the water committee of the council who shall assess the cost of such extension.

Sec. 4. Said grantee, his successors or assigns, shall install fire hydrants, one to each block, at such time and place as shall be designated by the water committee of the council, such hydrants to be not less than two inches in diameter and to be approved and accepted by the water committee, but when approved and accepted, the city of Milwaukie shall pay the price of the hydrant and shut off valve. Water for fighting fire shall be furnished to the city of Milwaukie without charge.

Sec. 5. The rates to be charged by said grantee of this franchise, his successors or assigns shall be as follows: \$1.00 per month for the first faucet and 25 cents per month for each additional faucet, whether for toilet, bath or laundry, and for irrigation there shall be an additional charge of \$1.50 per month for irrigating one lot 50 x 100, said rates to apply to households and residence property. Special rates may be granted to large consumers, provided, however, that when the grantee, his successors or assigns shall have two hundred or more patrons consuming water, the price for the first faucet shall be reduced to 75 cents per month, and when there shall be four hundred patrons consuming water, the further reduction shall be made to 50 cents per month for the first faucet. Meter rates shall not exceed 30 cents per 1000 gallons.

Sec. 6. That this franchise is granted upon condition that said

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grantee, his successors or assigns, shall be ready and willing at all times to furnish water as herein provided during the life of this franchise, and that if said grantee, his successors or assigns holding this franchise shall refuse so to do, the franchise shall be forfeited and annulled at the option of the council of said city of Milwaukie.

Sec. 7. The right is hereby reserved to said city of Milwaukie to purchase said water plant at any time and if the value thereof cannot be agreed upon with the parties owning the same, the same may be condemned and appraised in proper legal proceeding for that purpose.

Passed by the Council August 10, 1909

Approved August 12, 1909

Philip Streib

Mayor

Handwritten notes in the top left corner, including a circled '10' and other illegible scribbles.

PROOF OF POSTING.

State of Oregon)
County of Clackamas) ss.

I, William Kelso, as Marshall of the town of Milwaukie, do hereby certify that I duly posted at the post office in Milwaukie, for a period of fifteen (15) days, beginning the 8th day of July, 1909, a true copy of a proposed ordinance, granting a franchise for a water system to J. I. Johnson, his successors and assigns, which said copy was, in all respects, the same as is hereunto attached.

Dated at Milwaukie, Oregon, this 10th day of July, 1909.

W. E. Kelso,
Marshall of the town of Milwaukie.

PROOF OF POSTING ORDINANCE. *No 28*

State of Oregon)
) ss.
County of Clackamas)

I, William Kelso, as marshall of the town of Milwaukie, do hereby certify that I duly posted for a period of ten days , begining the ⁿ *13th* day of August, 1909, three copies of Ordinance No. *28* entitled "An ordinance authorizing J.I. Johnson, his successors or assigns to construct, maintain and operate a water system and lay all necessary water pipes in all that portion of the city of Milwaukie lying east of the Southern Pacific Railroad track in three public and conspicuous places in Milwaukie, to wit:

One at the post office in Milwaukie.

One *at the City Hall in Milwaukie*

One *at the Recorder's office in Milwaukie*

Dated at Milwaukie, Oregon, the *23rd* day of August, 1909.

W. E. Kelso

Marshall of the Town of Milwaukie.