

August 14, 1933

An Ordinance granting a franchise and right of way to lay water pipes in the Town of Milwaukie, Oregon, to F.W.Birkemier and B.M.Fisch and their associates . Passed April 28, 1904.

The Town of Milwaukie does ordain as follows:

Section 1. That the exclusive franchise and right of way for a period of thirty years is hereby granted to F.W.Birkemier and B.M. Fisch and their associates to lay water pipes through the streets and public highways and streets and public highways that may hereafter be established, in said town west of the O. & C. Railroad track and exclusive of the property of T.R.A.Sellwood, comprising 106 acres; and said parties and their associates shall have the exclusive right to all water flowing through said Town for sale to private parties and for fire purposes, during said period: PROVIDED they shall not be compelled to lay water pipes or main to places that will not use or pay for as many as ten faucets per 1000 feet of pipe or main.

Sec. 2. Said parties and their associates shall be required to keep a sufficient supply of water for ordinary uses and purposes in their cistern or reservoir for sale, and shall provide a fire hydrant not less than one inch nor more than 1 1/2 inches on each block on main street in said Town of Milwaukie.

Sec. 3. That the rate of charges by said parties shall be not more than \$1.00 nor less than 50¢ per hour during any fire, to be paid by said Town; and rates for sale to other parties shall be \$1.00 per faucet per month with special reduction for users of larger quantities for sprinkling lawns or for irrigation purposes, etc.; that after installing 200 faucets at \$1.00 per month each the rate shall be reduced to 75¢ per faucet per month upon all faucets, and after 400 faucets are installed at 75¢ per month per faucet the rate shall be reduced to 50¢ per month per faucet on all faucets.

Sec. 4. That said Town shall have the right to purchase said water works, plant and franchise at actual cost and a reasonable interest thereon at the expiration of any period of five years of this franchise. Work shall be begun on said plant upon passage of this ordinance and shall be constructed for furnishing water by

September 29 - 1904

~~Section 5. The Town of Milwaukie is hereby empowered to lease and to purchase and to purchase from B.M. Fisch his pumping station and the water and piping rights connected therewith together with one half acre of land upon the purchase by said Town of the water plant hereinbefore mentioned.~~

Approved Apr 29 - 1904

Wm Shindler
Mayor

State of Oregon,

County of Clackamas, --ss.

I Hereby certify that I am the Marshall of the Town of Milwaukie, Oregon. That I posted copies of the above ordinance in three public places in said Town of Milwaukie as follows _____

and that they remained posted for a period of more than ~~three~~ days. five days. Said copies were posted on the _____ day of April, 1904, and remained posted until the _____ day of April, 1904.