

ORDINANCE NO. 135.

An ordinance repealing Ordinance Number 114 entitled, "An Ordinance relating to the Portland & Oregon City Railway Company, its successors, signs, the right, privilege and franchise to lay, construct and maintain railway tracks, and appurtenances thereto, and to operate cars thereon and to transport passengers, freight, mail, baggage and express matter, and to erect, construct, and maintain poles, wires, and underground conduits in the Town of Milwaukie, Clackamas County, Oregon," passed by the Council of the Town of Milwaukie, Oregon, on the 3rd day of December, 1914, and approved by the Mayor on the 3rd day of December, 1914.

Whereas, the Council of the Town of Milwaukie, Oregon, did on the 3rd day of December, 1914, pass and enact Ordinance No. 114, which ordi-

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ly approved by the Mayor of said Town, granted to the Portland
City Railway Company the right, privilege and franchise to lay,
and maintain railway tracks, and to operate passenger cars over
certain streets and highways in Milwaukie, Oregon, by means of
underground electrical power, and
is provided in said ordinance No. 114, that the Portland &
Oregon City Railway Company, shall lay all tracks so as to conform to the
grades of the Streets upon which they are laid or construct-
will fill in and grade to the established grade and plank, pave,
repair, reconstruct, or otherwise improve and repair and keep
in addition, those portions of the street or streets or other pub-
lic places along and over which its tracks are laid, and
the said Portland & Oregon City Railway Company, in violation of
the provisions and terms of Ordinance No. 114, has been and now is opera-
ting passenger cars over and upon certain street and public highways of the
Town of Milwaukie, Oregon, by means of steam power (steam locomotives), and
the Portland & Oregon City Railway Company has failed, refused
to lay its tracks so as to conform to the established grade
of the streets upon which its tracks are laid, and has failed, refused
to fill in and grade to the established grade, or to plank,
pave, reconstruct or otherwise improve and repair and keep in good
condition those portions of the street or streets or other public places
along and over which its tracks are laid, although after demanded to do
so by the Council of the Town of Milwaukie, Oregon, and Whereas, it is
provided in said ordinance No. 114, that failure on the part of the Port-
land & Oregon City Railway Company to comply with any of the provisions
therein contained shall authorize the Town of Milwaukie to
repeal said ordinance an immediate forfeiture of the franchise granted
thereby, and WHEREFORE
the Council of the Town of Milwaukie does ordain as follows:
That Ordinance No. 114 entitled, "An ordinance granting to
the Portland & Oregon City Railway Company, its successors and assigns,
the right, privilege and franchise to lay, construct and maintain rail-
road tracks and appurtenances thereto, and to operate cars thereover,
to transport passengers, freight, mail, baggage and express thereon,
and to construct, and maintain poles, wires, and underground con-
duits in the Town of Milwaukie, Clackamas County, Oregon," and enacted
by the Council of the Town of Milwaukie on the 3rd day of December, 1914, and approved by the
people of the Town of Milwaukie on the 3rd day of December, 1914, be and the same is hereby repealed,

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and that the rights, privileges and franchise granted thereby be
same are hereby revoked, forfeited and held for naught.

Passed by the Council this 6th day of February, 1917.

Approved by the Mayor this 6th day of February, 1917. J. W. M.

ATTEST: D. P. Mathews, Recorder.

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