

ORDINANCE NO. 314.

An Ordinance granting to the Portland General Electric Company, an Oregon corporation, its successors and assigns, the right, privilege and franchise to erect, construct and maintain an electric transmission and distribution system, together with the necessary poles, wires, cables, ducts, appliances and apparatus connected therewith, for conducting, transmitting and distributing electric energy in, under, upon, over and along any and all of the streets, alleys, roads, thoroughfares and public highways in the said City of Milwaukie, within the corporate limits and boundaries of said City as said City now is, or hereafter may be bounded and constituted and have its limits, for the purpose of supplying the said City, its inhabitants and the public generally with electric energy for all purposes for which electric energy may be used.

MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. That the Portland General Electric Company, an Oregon corporation, and its successors and assigns, for and during the term hereinafter provided, be and they are hereby given and granted the right, privilege and franchise to erect, construct, maintain and operate an electric transmission and distributing system, together with the necessary poles, wires, cables, ducts, appliances and apparatus connected therewith, for conducting, transmitting and distributing electric energy in, under, upon, over and along any and all of the streets, alleys, roads, thoroughfares and public highways in the said City of Milwaukie, within the corporate limits and boundaries of said City as said City now is, or hereafter may be bounded and constituted and have its limits, for the purpose of supplying the said City, its inhabitants and the public generally with electric energy for all purposes for which electric energy may be used; provided, however, the said Portland General Electric Company, its successors and assigns, shall not construct, maintain or use electric transmission lines, in said City of Milwaukie, carrying a voltage greater than now carried by existing lines without first obtaining the consent of the Council of said City of Milwaukie to do so.

Section 2. That said Portland General Electric Company, its successors and assigns, shall erect, maintain, operate and use such poles, wires, cables, ducts, appliances and apparatus in such a manner as not to interfere with the free and unobstructed use of said streets, alleys, roads, thoroughfares and public highways for travel and traffic, and no pole or poles shall be erected, placed or maintained in front of any residence or driveway, in said City of Milwaukie, over the reasonable objection of the owner thereof filed with the Council of said City of Milwaukie with notice to the said Portland General Electric Company, its successors and assigns, of such objection and a written order of said Council giving ten (10) days' time in which to change the location of such pole or poles,

Section 3. Whenever it shall become necessary, desirable or convenient in the erection, maintenance, use or removal of any such poles, wires, cables, ducts, appliances and apparatus, for the said Portland General Electric Company, its successors and assigns, to dig, excavate, or in any manner interfere with, or disturb any or any part of, any street, alley, road, thoroughfare or public highway in said City, said Portland General Electric Company, its successors and assigns, shall without delay, after the completion of such work, put such, or any part of such street, alley, road, thoroughfare or public highway in as good condition as it was before it was dug into, excavated or disturbed, and shall remove all surplus earth, rubbish or other material caused by such erection, maintenance, or removal, and in digging into, excavating, or in any manner interfering with or disturbing any street, alley, road, thoroughfare or public highway, and in placing, erecting, laying and maintaining poles, wires, conduits, cables and appliances and apparatus, and in removing or repairing

the same, the said Portland General Electric Company, its successors and assigns, shall protect from damage all sewer, gas and water pipes, mains and conduits, and all hydrants, poles, trees, shrubs or other property, either public or private, that is liable to become displaced or damaged by reason of the execution of said work.

Section 4. The City of Milwaukie reserves unto itself the right to designate and control, in a reasonable manner, the location of all poles, wires, cables, conduits, and apparatus erected or maintained by virtue of this ordinance.

Section 5. Nothing in this ordinance shall be construed as in anywise preventing or interfering with the City of Milwaukie in the improving, grading, paving, repairing or doing of any work that may be desirable on any of the streets, alleys, roads, thoroughfares and public highways in said City of Milwaukie, or the laying and maintaining of water pipes and mains, sewers, drains and cables and conduits therein. And the Portland General Electric Company, its successors and assigns, shall, upon notice, and at its own cost and expense, temporarily rearrange or remove any and all poles, wires, cables, conduits or other appliances and apparatus, which may in anywise interfere with said work or improvement. If, after notice aforesaid, said Portland General Electric Company, its successors or assigns, shall fail, neglect or refuse to change or remove any poles, wires, cables, conduits, or other appliances and apparatus, forthwith, then the City of Milwaukie, by its properly constituted authorities, may do so and charge and collect the cost thereof from the said Portland General Electric Company, its successors and assigns; provided, however, said Portland General Electric Company, its successors and assigns, shall not be subjected to any more inconvenience, delay and/or expense than is necessary in order to enable the said City of Milwaukie to do said work as in this paragraph specified.

Section 6. Whenever it become necessary to temporarily rearrange, remove, lower or raise the aerial wires, aerial cables or other apparatus of the said Portland General Electric Company, its successors and assigns, for the passage of buildings, the said Portland General Electric Company, its successors and assigns, shall, at its own cost and expense, temporarily rearrange, remove, lower or raise its aerial wires, aerial cables or other apparatus as the necessities of the case require; provided, however, that the person or persons desiring to move any such building or buildings, shall give said Portland General Electric Company, its successors and assigns not less than five days written notice of the intention to move such buildings or building. Said notice shall bear the approval of the City Engineer or such other official as the City of Milwaukie may designate and shall detail the route of movement of such building or buildings over and along said streets.

Section 7. The Portland General Electric Company, its successors and assigns, shall at all times indemnify and save harmless the City of Milwaukie of and from any and all damages and claims of every kind, nature and description, caused directly or indirectly by the placing, construction, maintenance, repair, removal or presence of all poles, wires, cables, pipes, conduits, appliances and apparatus which the said Portland General Electric Company, its successors and assigns, may place in, upon and under the streets, alleys, roads, thoroughfares and public highways within the City of Milwaukie, Oregon.

Section 8. As part consideration of the rights, privileges and franchise hereby granted, the City of Milwaukie shall have, and the Portland General Electric Company hereby grants to it during the life of this franchise, free of charge, the right and privilege to place, where aerial construction exists, a fixture on poles erected and maintained under this franchise to which may be attached wires not exceeding four (4) in number, said fixtures and wires to be maintained at such points on said poles and in such manner as may be designated and approved by the

Company's engineers and where underground conduits exist, the said Portland General Electric Company, its successors and assigns, shall furnish said City of Milwaukie with space for one duct in its underground system or space for two pairs of wires in underground cable, to be used for low tension police and fire alarm purposes, it being understood that it shall be optional with the said Company, its successors and assigns, as to whether space for two pairs of wires or space for one duct shall be furnished in said underground system; provided, however, that the said City of Milwaukie shall, in its use and maintenance of such fixtures, wires or ducts, comply with the reasonable rules, regulations and plans of said Portland General Electric Company, its successors and assigns, so that there may be a minimum danger of contact between its fixtures, wires or ducts, and the fixtures, cables or ducts of said Portland General Electric Company, its successors or assigns; and provided further that in case of rearrangement of said system the said City of Milwaukie will, at its own expense, care for its fixtures, wires and construction; and provided further, that said City of Milwaukie will at all times indemnify and save the Portland General Electric Company, its successors and assigns, harmless of and from any and all damage or claims of whatsoever kind or character, direct or consequential, caused directly or indirectly by the construction, maintenance, repair, removal or presence of said wires and fixtures used for police and fire alarm purposes, or by their operation.

Section 9. As a further consideration of the rights, privileges and franchise hereby granted, the Portland General Electric Company, its successors and assigns, shall pay to the City of Milwaukie from and after the date of the passage and approval of this ordinance and until its expiration the sum of Three Hundred Dollars (\$300.00) annually. Said sum shall be paid to the Treasurer of the City of Milwaukie, Oregon, on the ~~first~~ day of July of each year during the term of this franchise.

Section 10. During the life and term of this franchise, the rates for any electric service which the Portland General Electric Company, its successors and assigns, may furnish the City of Milwaukie for lighting the streets and public places therein, shall be no greater than the rates charged or to be charged by said Portland General Electric Company, its successors and assigns, for similar service in the City of Portland, Oregon.

Section 11. The failure of the said Portland General Electric Company, its successors and assigns, to comply, within thirty (30) days after written notice and demand, with any of the provisions and conditions contained in this franchise shall authorize the said City of Milwaukie to declare by ordinance an immediate forfeiture of the rights, privileges and franchise hereby granted.

Section 12. The rights, privileges and franchise hereby granted shall continue and be in force for a period of twenty (20) years from and after the date of the passage and approval of this ordinance.

Section 13. Said Portland General Electric Company shall, within thirty (30) days from and after the passage and approval of this ordinance, file with the Recorder of the City of Milwaukie its written acceptance thereof.

Passed by the Council this 8th day of August 1932.
Approved by the Mayor this 8th day of August 1932.

J. J. Milles
Mayor.

Attest: D. P. Matthews
Recorder.