

ORDINANCE NO. 1808

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON
AMENDING ORDINANCE NO. 1735, AN ORDINANCE GRANTING PORTLAND GENERAL
ELECTRIC COMPANY A TEN-YEAR FRANCHISE**

WHEREAS, on April 6, 1993, the City Council of the City of Milwaukie adopted Ordinance No. 1735, which grants Portland General Electric Company a ten-year franchise; and

WHEREAS, Section 10(a) of Ordinance No. 1735 provides that:

”Portland General Electric Company shall, within thirty (30) days from the effective date of this ordinance, file with the City Recorder its written acceptance of this ordinance subject to all the terms, obligations, restrictions and provisions of this ordinance, and upon the expiration of the allotted time for the acceptance of this ordinance, the same not having been accepted unconditionally, then this ordinance shall become wholly void, inoperative and of no effect.”; and

WHEREAS, Portland General Electric Company inadvertently failed to file a written acceptance as required in Section 10(a); and

WHEREAS, both Portland General Electric Company and the City of Milwaukie were unaware that a written acceptance had not been filed; and

WHEREAS, both Portland General Electric Company and the City of Milwaukie intended and still intend that Ordinance No. 1735 be in full effect and have been consistently operating under the terms of Ordinance No. 1735 since its adoption.

NOW, THEREFORE, the Council of the City of Milwaukie, Oregon does ordain as follows:

SECTION 1. Section 10(a) of Ordinance No. 1735 is hereby repealed.

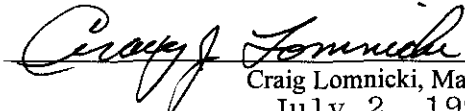
SECTION 2. All other provisions of Ordinance No. 1735 shall be and remain in full force and effect as of January 1, 1993.

SECTION 3. Portland General Electric Company shall, within sixty (60) days from the effective date of this ordinance, file with the City Recorder its written acceptance of this ordinance, and all of the terms, obligations, restrictions and provisions of Ordinance No. 1735.


SECTION 4. Whereas, it is necessary for the peace, health and safety of the people of the City that an arrangement be made immediately with Portland General Electric Company governing continued use of public property within the City, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect upon its passage by the Council and approval by the Mayor.

Read for the first time on July 2, 1996 and moved to a second reading by unanimous

vote of the City Council. Read for the second time and adopted by the City Council on July 2, 1996.


Craig Lomnicki, Mayor
July 2, 1996
Date

ATTEST:


BACHRACH
Pat DuVal, City Recorder

APPROVED AS TO FORM

O'DONNELL, RAMIS, CREW, CORRIGAN &


City Attorney

ACCEPTANCE OF FRANCHISE

WHEREAS, the City of Milwaukie, Oregon, on the date of April 6, 1993, passed Ordinance No. 1735 entitled as follows, to-wit:

An ordinance granting Portland General Electric Company, an Oregon corporation, its successors and assigns, for a period of ten years from and after the effective date of this ordinance, the right and privilege to erect, construct, maintain and operate within the corporate limits of the City of Milwaukie, Oregon, as such limits now exist or may be hereafter constituted, an electric light and power system with the poles, wires, fixtures, underground circuits and equipment necessary or convenient to supply said City and the inhabitants thereof and others with electric energy for light, power and other purposes, upon, over, along, under and across the streets, alleys, roads and other public ways and places within the corporate limits of said City, fixing the terms and conditions thereof, and providing for the manner of determination of the effective date thereof, and repealing all ordinances and parts of ordinances in conflict herewith.

AND, WHEREAS, on July 2, 1996, the City of Milwaukie passed Ordinance No. 1808 which extends the date for Portland General Electric Company to accept the earlier Ordinance to August 31, 1996;

NOW, THEREFORE, the undersigned Portland General Electric Company, the grantee named in said Ordinances, does for itself and its successors and assigns accept the terms, conditions and provisions of Ordinance Nos. 1735 and 1808 and agrees to be bound thereby and comply therewith.

IN WITNESS WHEREOF, Portland General Electric Company has caused this instrument to be executed by its officers as below subscribed this 19 day of July, 1996.

RECEIVED BY THE CITY OF
MILWAUKIE THIS 20 DAY
OF August, 1996

Patricia A. DeWalt

PORTLAND GENERAL
ELECTRIC COMPANY

By: Peggy Y. Louie

Title: Senior Vice President

Attest: M. Klein

Title: Manager, Government Affairs