

AFFIDAVIT OF POSTING ORDINANCES NO. 31

STATE OF OREGON)
)
Counties of Clackamas)
and Washington) ss.
)
City of Wilsonville)

I, the undersigned, City Recorder of the City of Wilsonville, Oregon, being first duly sworn on oath depose and say:

On Tuesday, the 5th day of September, 1972, I caused to be posted copies of the attached Ordinance No. 31 in the following three (3) public and conspicuous places of the City, to-wit:

1. Kopper Kitchen Restaurant
2. Wilsonville United States Post Office
3. Lowrie's Food Market

The Notices remained posted for more than five (5) consecutive days prior to the time for final reading and passage of the Ordinances on the 11th day of September, 1972.

Dated at Wilsonville, Oregon, this 11th day of September, 1972.

Margaret A. Gentry
City Recorder

Subscribed and sworn to before me this 11th day of September, 1972.

Donis Wichter
Notary Public for Oregon
My Commission Expires: 6-5-73

ORDINANCE NO. 31

AN ORDINANCE GRANTING AN EXCLUSIVE FRANCHISE TO DAY F. CLARK TO OPERATE A TAXICAB SERVICE IN THE CITY OF WILSONVILLE; FIXING TERMS, CONDITIONS AND COMPENSATION OF SUCH FRANCHISE; AND DECLARING AN EMERGENCY.

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: Rights Granted. Subject to the conditions and reservations contained in this Ordinance, the City of Wilsonville (hereinafter referred to as the City) grants to Day F. Clark the right, privilege and franchise to own, operate and maintain a taxicab service in the City of Wilsonville and engage in the business of transporting persons and property for hire by motor vehicle, and to establish rates and make and collect charges for such services.

Section 2: Duration. This franchise is granted for a period of five (5) years from and after the effective date of this Ordinance.

Section 3: Exclusive Franchise. This franchise is exclusive and shall be construed as a limitation on the City in granting rights, privileges and authority to other persons similar to those granted by this Ordinance.

Section 4: Continuous Service. The grantee shall maintain and operate an adequate taxicab service for the transportation of persons and property in the City of Wilsonville during the term of this franchise, but under no circumstances shall the grantee be liable for an interruption or failure of service caused by an act of God, unavoidable accident or other circumstances beyond the control of the grantee through no fault of his own.

Section 5: Safety Standards. The facilities and equipment of the grantee shall at all times be maintained in a safe, substantial and workmanlike manner. The grantee shall obtain and maintain any required PUC permits and liability insurance with limits of no less than \$100,000 for each person, \$300,000 for each occurrence and \$25,000 property damage.

Section 6: Compensation. As compensation for the franchise granted by this Ordinance, grantee shall pay to the City the sum of Ten Dollars (\$10.00) annually for each calendar year or fraction thereof. The annual compensation for 1972 shall be paid upon billing by the City of Wilsonville and subsequent annual payments shall be made within thirty (30) days after the start of such calendar year or fraction thereof.

Section 7: Indemnification. The grantee shall indemnify and save harmless the City and its officers, agents and employees, from any and all loss, cost and expense arising from damage to property and/or injury to or death of persons due to any wrongful or negligent act or omission of the grantee, his agents or employees, in exercising the rights, privileges and franchise hereby granted.

Section 8: Assignment of Franchise. This franchise is not assignable without the prior express written consent of the City.

Section 9: Termination of Franchise for Cause. Upon the willful failure of the grantee after thirty (30) days' notice and demand in writing to perform promptly and completely each and every term, condition or obligation imposed upon him under or pursuant to this Ordinance, the City may terminate this franchise, subject to grantee's right to a Court review of the reasonableness of such action.

Section 10: Acceptance. The grantee shall, within thirty (30) days from the date this Ordinance takes effect, file with the City his written unconditional acceptance of this franchise and furnish a certificate of the insurance required by the provisions of the foregoing Section 5 and also evidence of PUC approval for the necessary permits; and if the grantee fails to do so, this Ordinance shall be void.

Section 11: Rates and Charges to be First Approved by City. Current rates and charges to be made by the grantee for the trans-

portation of persons or property have previously been reviewed and approved by the Wilsonville City Council and are as follows:

Charge - 60¢ per mile
Minimum Charge - \$1.00
Additional charge of 50¢ for each person

Any changes or proposed changes by the grantee in his rates, charges or tariffs shall first be submitted to and approved by the Wilsonville City Council before such changes take effect.

Section 12: Emergency Clause. It being deemed by the Wilsonville City Council that an emergency exists, this Ordinance shall take effect immediately upon its final passage by the Wilsonville City Council and approval by the Mayor.

Passed on first reading at a regular meeting of the Wilsonville City Council on August 28, 1972; ordered posted as provided by the Wilsonville City Charter, and to come up for final reading and action of the Wilsonville City Council at a regular meeting thereof to be held on the 11th day of ~~September~~, 1972, at the hour of 7:30 o'clock p.m. at the Wilsonville City Hall.

ATTEST:

Walter O. Wehler
WALTER O. WEHLER, Acting Mayor

Marjorie A. Hintz
MARJORIE A. HINTZ - City Recorder

Passed on final reading of the Wilsonville City Council at a regular meeting thereof on the 11th day of ~~September~~, 1972, by the following vote: Yeas 5. Nays 0.

Approved by the Mayor this 11th day of ~~September~~, 1972.

ATTEST:

Phillip R. Balsiger
PHILLIP R. BALSIGER - Mayor

Marjorie A. Hintz
MARJORIE A. HINTZ - City Recorder