

Ordinance No. 79219

An Ordinance granting a revocable permit to Northern Pacific Terminal Company of Oregon and Great Northern Railway Company, American Bank Building, their successors, lessees and assigns, to construct, equip, maintain and operate two industry spur tracks of standard gauge over and across N.W. Kittridge Ave. between N.W. Yeon Ave. and N.W. Front Ave., and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. That a revocable permit be and the same is hereby granted to Northern Pacific Terminal Company of Oregon and the Great Northern Railway Company, their successors, lessees and assigns (hereinafter collectively referred to as the grantee) to construct, equip, maintain and operate two industry spur tracks of standard gauge over and across N.W. Kittridge Ave. between N.W. Yeon Ave. and N.W. Front Ave. in the City of Portland, Multnomah County, Oregon, the center lines of said spur tracks being more particularly described as follows:

Track No. 1. Beginning at the intersection of the westerly line of N.W. Kittridge Ave. with the northerly line of N.W. Yeon Ave.; thence north 30 degrees 00 minutes east along the westerly line of N.W. Kittridge Ave. 524.68 feet to a point in the center line of railroad switching lead leading to the U. S. Army Guilds Lake Storage Yard and the true point of beginning; thence south 79 degrees 48 minutes east 20.8 feet to the B.C. of a 8 degree curve to the right 64.3 feet more or less to a point on the easterly line of N.W. Kittridge Ave.

Track No. 2. Beginning at the intersection of the westerly line of N.W. Kittridge Ave. with the northerly line of N.W. Yeon Ave.; thence north 30 degrees 00 minutes east along the westerly line of N.W. Kittridge Ave. 504.47 feet to a point in the center line of railroad switch lead leading to the U.S. Army Guilds Lake Storage Yard which is the true point of beginning of this description; thence south 79 degrees 48 minutes east 27.6 feet to the B.C. of a 8 degree curve to the right; thence along said 8 degree curve to the right 57.41 feet more or less to a point on the easterly line of N.W. Kittridge Ave.

Section 2. The grantee shall file in quadruplicate with the City Engineer complete plans showing the exact location within the street lines of all proposed work and no work hereunder shall be done until the City Engineer shall have approved same, one of the copies of the plan so to be approved to be returned to the said grantees. All work shall be done in a good and substantial manner and to the satisfaction of the City Engineer.

Section 3. This permit is conditioned that the grantee will at their own cost and expense during the exercise of the privileges hereby granted pave, repave, repair or otherwise improve, maintain and adjust in like manner or as directed by the City Engineer any part or parts of the roadway and sidewalk area as well as catch-basins, inlets, underground construction, and any other construction within the street lines which by the reason of the laying of the above mentioned tracks shall in the opinion of the City Engineer require repairs, adjustments or construction. The grantee shall pay to the City any additional costs of construction, reconstruction, altering, repairing or maintaining any municipal utility now existing or which may hereafter be built caused by the construction and maintenance of said spur track and appurtenances, the equitable amount of such costs to be determined by the City Engineer.

The grantee shall fill in to the established grade, plank, pave, repave, reconstruct, or otherwise improve, or repair, and keep in good condition from time to time whenever and in the manner directed by the City of Portland, those portions of the street between the rails of the above mentioned track, and those portions outside of the rails extending to the ends of cross-ties, provided, that in no case shall the portion outside of the rails be less than one (1') foot in width, measured from the outside of the rail.

Section 4. This permit is granted upon the condition that the grantee shall allow any other company, including any municipal belt line or commercial railroad that may hereafter be authorized, operated or maintained by the City of Portland, and including railroad companies operating engines, locomotives or cars by electrical current, steam or gas power, to use in common with the grantee the tracks herein authorized to be laid upon obtaining the consent of the Council of the City of Portland expressed by ordinance or by the people by the initiative, each user paying a proper and equitable proportion of the cost of construction and repair of the tracks so used jointly.

Section 5. This permit so granted to the said Northern Pacific Terminal Company of Oregon and the Great Northern Railway Company by this ordinance shall not in any manner interfere with or prevent the City of Portland from granting permits or franchises to other corporations or individuals for the construction of other tracks crossing the track which may be constructed under this ordinance, and for the maintenance and operation of said other tracks.

Section 6. The permit hereby granted is revocable at any time at the pleasure of the Council of the City of Portland, and no expenditure of money thereunder, or lapse of time, or other act or thing shall operate as an estoppel against the City of Portland or be held to give the grantee any vested or other rights. Upon revocation, the grantee shall within thirty (30) days remove all tracks and appurtenances constructed under said permit, and shall put those portions of the streets affected by such removal in a condition as good as are the adjoining portions of said street at the time of removal; all to be done as directed by and to the satisfaction of the City Engineer.

Section 7. This ordinance shall not exempt the grantee from taking out licenses or permits required by any existing ordinances for any operation or construction carried on under the permit hereby granted.

Section 8. The permit hereby granted shall not become effective until there is filed by the grantee with the City Auditor a document satisfactory to the City Attorney accepting the terms and conditions hereof.

Section 9. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: In order that authority for the construction and maintenance of the said tracks may be granted without undue delay; therefore, an emergency is hereby declared to exist, and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council OCT 7 1943

Wm. A. Bowes

PRESIDENT OF THE COUNCIL AND ACTING

Mayor of the City of Portland

Attest:

Will E. Gibson

R. B. I

Auditor of the City of Portland

Com'r Bowes
10-5-43
ohv

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W.A.B.
F.L.P.
K.L.C.
D.M.L.

APPROVED
OCT 5 1943
By L. G. Apperson
Chief of Bureau of
Construction
Reg. Prof. Engr. 219

APPROVED
OCT 5 1943
By Ben S. Morrow
City Engineer
Reg. Prof. Engr. No. 1152

OCT 8 1943

Filed

File to Libson

Auditor of the CITY OF PORTLAND

ELBERT G. ROFF

By

Deputy

THE FOLLOWING IS THE OFFICIAL LIST OF THE PORTLAND		YEARS	REVS
BOWES	1	1	1
COOPER	1	1	1
LEE	1	1	1
PETERSON	1	1	1
RILEY	1	1	1