N

HERCULES POWDER COMPANY

TRACK 1 STREET

NW YEON AVE.

NW 29th AVE

JB YEON

SCALES
PLAN — 1"=20'.
SECTION — ¼"=1'-0"

TYPICAL CROSS-SECTION

TYPICAL LONGITUDINAL CROSS SECTION

N.P.T. Co. YEON AVE. IND. LEAD

AREA GROUND ONLY

N.W. YEON

AVENUE

D.25

N 66 08 W

BLDG. LINE 2+85.0

EC 3+06.0

AREA FILLED & GRADED

Rail to be used on track

ORDINANCE No. 93771

An Ordinance granting a revocable permit to Northern Pacific Terminal Company of Oregon and Great Northern Railway Company, their successors, lessees and assigns, c/o R. R. Bullivant, Attorney, 1015 Pacific Building, Portland 4, Oregon, to construct, equip, maintain and operate an industry spur track of standard gauge in N.W. Yeon Avenue approximately 300 feet easterly from the easterly line of N.W. 29th Avenue, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. That a revocable permit is hereby granted to Northern Pacific Terminal Company of Oregon and Great Northern Railway Company, their successors, lessees and assigns (hereinafter collectively referred to as the grantee) to construct, equip, maintain and operate an industry spur track of standard gauge in N.W. Yeon Avenue approximately 300 feet easterly from the easterly line of N.W. 25th Avenue in the City of Portland, Multnomah County, Oregon, the center line of said spur track insofar as it will be located within street area being more particularly described as follows:

Beginning at a point on the center line of the N.W. Yeon Avenue Industrial Lead Track which runs parallel to, south of, and with its center line at a distance of 10 feet from the Northerly line of N.W. Yeon Avenue as authorized by Ordinance No. 66490, said point being a distance of 146.4 feet Southeasterly from the intersection of the center line of said Lead Track with the East line of N.W. 29th Avenue, extended, and said point being the point of switch for the proposed Industry Spur Track and to be known as Engineer's Station 0/00; thence, through a No. 7 Turnout to the right, which contains an angle of 8°10', to Engineer's Station 0/70.2; thence on a curve of 25 degrees to the right to a point intersecting the southerly line of N.W. Yeon Avenue at Engineer's Station 2/68,

and as shown on the attached plan marked "Exhibit A" and hereby made a part of this ordinance.

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 grantee. 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 its 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 catchbasins, 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, switch 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 crossties, 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 grantees the tracks and switch 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 Great Northern Railway Company, their successors, lessees and assigns, 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 grantee shall pay all the costs of moving the existing poles, wires, or conduits belonging to utility companies now located in the area to be occupied by the said connecting track and before any work is done under this permit the grantee shall come to an agreement with any such utility companies about the removal of said poles, wires or conduits.

Section 7. 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 of this permit by the Council. the grantee shall within thirty (30) days remove all tracks and appurtenances constructed under said permit, and shall put those portions of the streets effected by such removal in a condition as good as are the adjoining portions of said street at the time of removal; all work to be done as directed by and to the satisfaction of the City Engineer.

Section 8. 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 9. The permit hereby grantee 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 10. The grantee, its successors and assigns, hereby agrees and covenants to indemnify and save harmless the City of Portland, its officers and employees, against all damages, costs and expenses whatsoever to which it or they may be subject in consequence of any act or neglect of said grantee, its successors or assigns, its agents or servants, in any manner arising from the rights and privileges herein permitted.

ORDINANCE No. 93771

      Section 11. Inasmuch as this ordinance is nec-
essary for the immediate preservation of the public health,
peace and safety of the City of Portland in this: In
order that the grantee may have a permit covering operations
on the said spur track 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, **MAR 1 5 1951**

Fred L. Peterson

PRESIDENT OF THE COUNCIL AND ACTING
Mayor of the City of Portland

Attest: *Will Gibson.*

Auditor of the City of Portland

Calendar No. 1183

ORDINANCE NO. 93771

Title

An Ordinance granting a revocable
permit to Northern Pacific Terminal
Company of Oregon and Great Northern
Railway Company, their successors,
lessees and assigns, c/o R. R.
Bullivant, Attorney, 1015 Pacific
Building, Portland 4, Oregon, to
construct, equip, maintain and oper-
ate an industry spur track of stan-
dard gauge in N.W. Yeon Ave. approxi-
mately 300 feet easterly from the
easterly line of N.W. 29th Ave., and
declaring an emergency.

THURSDAY

Filed

MAR 16 1951

Will Gibson.
Auditor of the CITY OF PORTLAND

By ROB'T. L. McCOY
Deputy

**THE COMMISSIONERS VOTED
AS FOLLOWS:**

	Yes	Nays
Bean		
Bennett	✓	
Bowes	✓	
Peterson	✓	
Lee	✓	

FOUR-FIFTHS CALENDAR

Bean		
Bennett		
Bowes		
Peterson		
Lee		

INTRODUCED BY

Fred L. Peterson

DRAWN BY

GJL chv

Date March 8, 1951

NOTED BY THE COMMISSIONER

Affairs	
Finance	
Safety	
Utilities	F.L.P
Works	

City Attorney

NOTED FOR CITY AUDITOR

BSI

APPROVED

Date	
By	

Date 3-8-51

By L. G. Apperson
City Engineer

Chief Civil Engineer