

## ORDINANCE No. 95512

An Ordinance granting a revocable permit to Northern Pacific Terminal Company of Oregon, c/o R. R. Bullivant, 1015 Pacific Building, Portland 4, Oregon, its successors, lessees and assigns, to construct, equip, maintain and operate an industry spur track of standard gauge in N.W. 15th Avenue between N.W. Raleigh Street and N.W. Quimby Street, 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, its successors, lessees and assigns (hereinafter referred to as the grantee) to construct, equip, maintain and operate an industry spur track of standard gauge in N.W. 15th Avenue between N.W. Raleigh Street and N.W. Quimby Street 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 N.W. 15th Ave. switching lead, 5 feet Southerly from the Southerly line of N.W. Raleigh Street, this point more particularly described as "A" and 0 / 00 on the Railroad's Drawing 1235A from the Office of the Engineer, Portland, Oregon, being the point of switch of a proposed spur track to serve Lots 1 and 4 in Block 249, Couch's Addition to the City of Portland, Oregon; thence Southerly, through a No. 6 Turnout to the right, 94.8 feet to the beginning of a 20 degree curve to the left; thence through a 20 degree curve to the left 47.78 feet; thence Southerly tangent to the curve 1.77 feet to the beginning of a 20 degree 41 minute curve to the right; thence Southerly on a 20 degree 41 minute curve to the right 51.51 feet to a point which is in the Northerly line of N.W. Quimby Street projected and the end of this description,

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.

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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 reason of the laying of the above-mentioned track 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 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 grantee the track 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, its 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 tracks 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 spur track and before any work is done under this

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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 affected 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 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 10. The grantee, its successors, lessees 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, lessees or assigns, its agents or servants, in any manner arising from the rights and privileges hereby permitted.

Section 11. The grantee shall construct the spur track herein authorized as soon as practicable after the date of this ordinance, and failure to construct the said spur within one year from the date hereof, shall render this permit null and void.

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Section 12. 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 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, DEC 6 1951

*Dorothy McCullough Lee*  
Mayor of the City of Portland  
*Will Gibson.*

Attest:

Auditor of the City of Portland

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Title

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THURSDAY

INTRODUCED BY  
Fred L. Peterson

DRAWN BY  
GJL chv  
Date November 26, 1951

NOTED BY THE COMMISSIONER

Affairs	
Finance	
Safety	
Utilities	FLP
Works	WAB

City Attorney

NOTED FOR CITY AUDITOR

RSI
JHL

APPROVED

Date	
By	Chief Civil Engineer
Date	11-26-51
By	L. G. Apperson City Engineer

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Bean	/	
Bennett	/	
Bowes	/	
Peterson	/	
Lee	/	

FOUR-FIFTHS CALENDAR

Bean	
Bennett	JEB
Bowes	WAB V
Peterson	FLP
Lee	DMcL WJM

Filed NOV 28 1951

*Phill Sibson*  
Auditor of the CITY OF PORTLAND  
By *Bob T. McCoy*  
Bob T. McCoy  
Deputy