

said Council to be held on the nineteenth day of September, 1906, at two o'clock P. M. as the time of hearing said petition and objections thereto, if any be filed, and

WHEREAS, said Council, at a regular meeting held on the nineteenth day of September, 1906, and called at the hour of two o'clock P. M. has ascertained and determined, and does hereby ascertain and determine and make a matter of record that the consent of the owners in fee simple of more than two-thirds of the real estate fronting on both sides of the streets and parts of streets proposed in said petition to be vacated, as well as the extension of such frontage, in accordance with Section 362 of the Charter of the City of Portland, and the consent of the owners of two-thirds of all of the real estate fronting on the streets designated on the plat of said Blocks "J" to "P" Greenway, has been obtained and filed as aforesaid, duly signed and acknowledged before an officer authorized to take acknowledgements, and

WHEREAS, this Council further finds that all the hereinbefore recited acts and things have been done, and that notice of such vacation has been given in conformity with law, and the petition for such vacation and the proceedings attending the same are regular and in accordance with law, and that the public interest would not be prejudiced by the vacation sought by said petition;

NOW, THEREFORE, the City of Portland, does ordain as follows:

Section 1. That the plat of Blocks "J" to "P" Greenway, as shown on page 10 of Book 360 of the records of plats of Multnomah County, Oregon, excepting Block "J" lots 6 to 10 inclusive and that parcel of ground unmarked lying north of Lot 1 Block "M", lots 1 to 4 inclusive of Block "L", lots 1 to 6 inclusive of Block "M", lots 1 to 10 inclusive of Block "O", and Block "P"; and that Rosell Street and Lamson Avenue, as shown by said plat, excepting the portion of Lamson Avenue lying north of an extension of the south boundary line of Lot 4 of Block "L" and excepting also the portions of Patton Road and Talbot Road extending through and contiguous to said Blocks "J" to "P" Greenway, be and the same are hereby vacated.

passed the Council September 19, 1906,

Thos. C. Devlin,

Approved September 27th, 1906.

Auditor of the City of Portland

Harry Lane, Mayor.

By S. Grutze, Deputy.

Submitted to the Mayor Sept. 20, 1906.

(The vacation above set forth with proposed amended plat is made necessary by the location of railway line to Council Crest and is satisfactory.

D. W. Taylor, City Engr.)

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Ordinance No. 15718.

An Ordinance designating certain roads and streets over which the Portland and Seattle Railway Company shall locate its railroad within the City of Portland.

WHEREAS, the Portland and Seattle Railway Company is now constructing a bridge across the Columbia River opposite the City of Vancouver, in the State of Washington, and a bridge across the Willamette River near the dry dock in the City of Portland and has located and is about to construct a double track railway between and over the said bridges upon a right of way acquired by said corporation, intersecting certain streets and public highways within the City of Portland;

The City of Portland does ordain as follows:

Section 1: The following roads and streets are hereby designated across which said Port-



land and Seattle Railway Company shall locate its said railroad, namely, - Willamette Boulevard, Ida, Amherst, Princeton, Syracuse, Laura, Oberlin, Gilbert, Dawson, and Minerva Streets, Willis B ulevard, Rochester and Bank Avenues, Hodson, North, Cecelia, and Geneva Streets, and Columbia Boulevard.

Section 2: The grade of said railway shall be established below the present surface of said streets, and not less than four suitable and substantial steel bridges upon stone, concrete, or steel foundations, shall be provided and built by the said Portland and Seattle Railway Company at its own expense, in such manner as to afford convenient and safe crossing above said railway tracks for vehicles and pedestrians, upon such grades and according to such plans and specifications as may be approved by the City Engineer of the City of Portland, two of which said bridges, shall each be sixty feet in width, including sidewalks for pedestrian travel thereon and shall be built upon Willamette Boulevard and Dawson Street respectively, and the other two at convenient points to be approved by the City Engineer.

Section 3: Whenever the City shall by ordinance direct the permanent improvement of any street crossing said railway line, the said Portland and Seattle Railway Company, its successors and assigns, shall build and construct, at its own expense, a suitable bridge along the line of such street to provide for public travel, the said bridge to be built upon plans and specifications to be submitted to and approved by the City Engineer.

Section 4: During the time the work of excavating for building said railway line under and across any of the said streets and public highways is being carried on, the said Portland and Seattle Railway Company, its successors and assigns, shall at all times, under the direction and subject to the approval of the City Engineer provide and maintain suitable barricades and lights to safeguard against accident to persons using such streets, and in addition thereto, temporary roadways and bridges to enable vehicles and pedestrians to cross over the said railway line without danger and without unnecessary delay or difficulty.

Section 5: Any and all bridges built under the provisions of this ordinance shall be kept and maintained in repair at the expense of the said Portland and Seattle Railway Company, its successors and assigns, and the work of constructing the bridges provided for in section 2 hereof, and the work of excavating herein provided to be done, shall be completed within a period of two years from the date of the approval of this ordinance, and before beginning said work and within thirty days after the approval of this ordinance, the said Portland and Seattle Railway Company shall file with the Auditor of the City of Portland its acceptance in writing of the terms and conditions hereof, together with its bond in the penal sum of \$50,000.00, to indemnify and hold harmless the City of Portland, its officers and agents, from any and all damages for personal injuries arising out of or on account of making said excavation. In case any dispute arises between said Portland and Seattle Railway Company, its officers or agents, and the City Engineer of the City of Portland, as to the character or mode of construction of any of said bridges or viaducts, or concerning the performance by the said Portland and Seattle Railway Company of the requirements of the terms hereof, the matter in dispute shall be referred to the Executive Board of the City of Portland for consideration and adjustment.

passed the Council September 19, 1906.

Thos. C. Devlin,  
Auditor of the City of Portland,  
By S. Grutze, Deputy.

Not approved Oct. 1st, 1906.  
Harry Lane, Mayor.

Submitted to the Mayor September 20, 1906.

The foregoing ordinance was presented to the Mayor September 20, 1906, and he having disapproved it, it was again presented to the Council for final passage October 3rd, 1906. and

passed over the Mayor's veto by the following vote: yeas, Councilmen Annand, Belding, Bennett, Gray, Masters, Menefee, Preston, Sharkey, Shepherd, Wallace and Wills, 11, Nay, Councilman Vaughn, 1.

Thos. C. Deylin,  
Auditor of the City of Portland.

Portland, Oregon, Oct. 1st, 1905.

To The Honorable City Council.

Gentlemen:-

I herewith return Ordinance No. 15718 not approved.

This is an Ordinance which grants the Portland and Seattle Railway Company the right to locate its railway across certain streets and highways within the city limits, namely, Willamette Boulevard, Ida, Amherst, Princeton, Syracuse, Laura, Oberlin, Gilbert, Dawson, Minerva, Willis Boulevard, Rochester and Bank Avenues, Hudson, North, Cecelia, and Geneva Streets and Columbia Boulevard; in all eighteen streets and highways.

I am as anxious as any one to have the Portland and Seattle and all other railways come to the City, and am willing to do everything in my power which is reasonable to assist and encourage them to do so; yet at the same time it is my pledged duty to look out for the interests of the City first, and above all other interests. This railroad should be allowed to come, and should be encouraged to come, but its franchise should be drawn in such a manner as to provide for the least interference with the future growth and welfare of the City at large, as well.

There is no time-limit, placed upon this franchise, and the failure to set such a limit upon the life of its franchise, is now claimed by the holders of the Fourth Street Franchise to make it last forever which I here may remark is an exceedingly long time.

I can see no harm in a franchise granted to last forever, if at the same time it contains a provision allowing the people to recall it at any time on such grounds of complaint against its further existence, as would hold in a just court of law. There is no such provision in this ordinance.

The route of this railway across the streets mentioned is in the nature of a deep cut, or chasm, across the Peninsula. This cut, I am told will be two hundred feet wide, and in places not less than one hundred feet deep, making it impossible to cross, without the aid of bridges. In regard to this phase of the question it may be said, that the Portland and Seattle Railway Company agrees to erect two steel bridges, one at Willamette Boulevard and one at Dawson Street; such bridges to be sixty feet in width including sidewalks; it also agrees to erect two other steel bridges at such other streets, (width not stated) as may be approved by the City Engineer.

It further agrees that whenever the City shall by ordinance direct the permanent improvement of any street crossing said railway line, that it will at its own expense provide a suitable bridge along the line of such street, upon plans and specifications approved by the City Engineer. It also agrees to maintain and keep all such bridges in repair, all of which seems just, and reasonable and fair, and no doubt it is so intended; yet no promise is made to build any new bridges when these wear out, and inasmuch as the franchise is for a cut one hundred feet deep and two hundred feet wide to last forever (if it does last that long) for that same length of time are people going to require bridges to cross the chasm, and for exactly as long as the chasm lasts for so long should bridges be provided. Presume that lightning destroyed one or more of these bridges, or that some miscreant destroyed one or more of them with dynamite,