

on the fund for the extension of Emerald Street.

WHEREAS, the proceedings in the matter of the extension of Emerald Street from the north line of Pippin Street to the south line of Willis Boulevard were repealed and discontinued by Ordinance No. 16609, and

WHEREAS, Sixty-three dollars and thirty cents (\$63.30) has already been collected and paid into the Treasury on the same, Therefore,

The City of Portland Does Ordain as Follows:

Section 1: That the Mayor and Auditor be and they are hereby authorized to draw warrants on Fund for the extension of Emerald Street from the north line of Pippin Street to the south line of Willis Boulevard to the amount of Sixty-three dollars and thirty cents (\$63.30) in favor of the parties entitled thereto, as follows:

Block	Lot	Owner	Amount paid.
Glenwood Park.			
	8	Alice Forbes	\$15.20
Und ½	2	J. W. Campbell	7.45
Und ½	2	P. L. Willis	7.45
	6	Lydia A. Carter	15.20
Glenwood Park Holmes Subdivision.			
1	2	E. H. Belknap	2.00
	3	H. P. Davis	2.00
	4	Fairclough & Estes	2.00
	5	Charles F. Haywood	2.00
	1	J. J. Holloway	2.00
	2	G. W. Allen	2.00
	3	"	2.00
	4	H. J. Sharkey	2.00
	6	Mary A. Sutherland	2.00
Total			\$63.30

Passed the Council, June 12, 1907,

Thos. C. Devlin,

Auditor of the City of Portland.

Submitted to the Mayor, June 13, 1907,

Approved, June 14th, 1907, Harry Lane, Mayor.

Ordinance No. 16626.

An ordinance designating certain roads, public grounds and streets across, above and under which the Oregon & Washington Railroad Company, its successors and assigns, shall locate and construct its railroad in the City of Portland.

WHEREAS, the Oregon & Washington Railroad Company was located, and is and it is proposed to construct its line of railroad between Portland, in the State of Oregon, and Seattle, in the State of Washington, and a portion of a line of railroad, as so located, is hereinafter described; and

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Passed the Council, June 12, 1907,

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

Submitted to the Mayor, June 13, 1907,

Approved, June 13th, 1907, Harry Lane, Mayor.

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Ordinance No. 16626.

An Ordinance designating certain roads, public grounds and streets across, along and under which the Oregon & Washington Railroad Company, its successors and assigns, shall locate and construct its railroad in the City of Portland.

WHEREAS, the Oregon & Washington Railroad Company has located, and is about to construct its line of railroad between Portland, in the State of Oregon, and Seattle, in the State of Washington, and a portion of which railroad, as so located, is hereinafter described; and



WHEREAS, it is necessary in the construction of the portion of said Company's railroad hereinafter described, to excavate a tunnel and suitable approaches for the full length of said portion of its railroad,

The City of Portland Does Ordain as Follows:

Section 1: The following roads, public grounds and streets are hereby designated, across, along and under which the Oregon & Washington Railroad Company shall locate its line of railroad and construct its tunnel and suitable approaches, viz., Willamette Boulevard, Dawson Street; the public highway lying between Dawson Street and Willamette Boulevard; Columbia Park; Winchell Street; Agnes Street; Willis Street; Hunt Street; Hartford Street; Trenton Street; Newark Street; Edward Street; Dana Street; Hurst Street; Foss Street; Wayland Street; Woolsey Street; Dwight Street; Newman Street, and Columbia Boulevard, sometimes called Columbia Slough Road, and the alleys in Blocks 162, 169, 171, 173, 180, 185, and 186 in University Park, now within the corporate limits of the City of Portland.

Section 2: The grade of said railroad shall or may be established below the surface of said streets, and the center line of the tunnel to be constructed from a point which is twenty-two hundred five and two-tenths (2205.2) feet south, no degrees and forty-four and one-half minutes ( $0^{\circ} 44\frac{1}{2}'$ ) west from the intersection of the north line of Winchell Street with the center line of Dana Street, in University Park, according to the recorded plat thereof, and running thence north no degrees and forty-four and one-half minutes ( $0^{\circ} 44\frac{1}{2}'$ ) east for a distance of fifty-four hundred twenty-five (5425) feet to a point in the center of said Dana Street, which is one hundred thirty-five and five-tenths (135.5) feet south of the south line of Newark Street, in said University Park, shall be a straight line in the same vertical plane with the center line of Dana Street, as laid out and shown on the plat of University Park, and its projection south of Winchell Street to the south portal of the tunnel.

Section 3: Whenever the City of Portland shall by ordinance direct the improvement of Newark Street, the grantee, its successors or assigns shall construct and maintain at its or their own expense a suitable bridge of steel or reinforced concrete across the cut and tracks of the grantee along the line of Newark Street, where the same intersects Dana Street, to provide for public travel, the said bridge to be the full width of Newark Street and to be built upon plans and specifications to be submitted to, and approved by, the City Engineer.

Section 4: Any other commercial railroad which desires to use the tunnel to be constructed hereunder shall have the right to do so upon securing a franchise therefor from the Council of the City of Portland, and upon paying its proportion of the cost of constructing the said tunnel, with interest thereon at the legal rate, and its proportion of the cost of maintenance and operation of said tunnel, and the rail-

road constructed through the same.

Section 5: The Oregon & Washington Railroad Company shall file with the Auditor of the City of Portland, within thirty days after the passage of this Ordinance, an acceptance of the same, under its corporate seal, and in the event of its failing so to do, this designation shall cease to have any force or effect.

Passed the Council, June 19, 1907.

Thos. C. Devlin,

Auditor of the City of Portland;

Submitted to the Mayor, June 20, 1907,

Not approved June 29th, 1907, Harry Lane, Mayor.

The foregoing ordinance was vetoed by the Mayor June 29th, 1907.

The Ordinance was again placed upon its final passage at a regular meeting of the Council held July 3rd, 1907, and passed by the following vote: Yeas, Annand, Baker, Belding, Bennett, Cellars, Driscoll, Dunning, Menefee, Wallace, Willis, 10; Nays, Councilmen Conannon, Cottell, Kellaher, Vaughn, 4.

A. L. Barbur,

Auditor of the City of Portland.

KNOW ALL MEN BY THESE PRESENTS: That,

WHEREAS heretofore there was passed by the City Council of the City of Portland, Oregon, Ordinance of the City of Portland No. 16826, entitled: "An Ordinance designating certain roads public grounds and streets, across, along and under which the Oregon & Washington Railroad Company, its successors and assigns, shall locate and construct its railroad in the City of Portland," and,

WHEREAS, it was provided by Section Five of said Ordinance that said Company should file with the Auditor of the City of Portland within thirty (30) days after the passage of said Ordinance, to-wit, within thirty (30) days after July 3rd, 1907, an acceptance of the same, under its corporate seal, and that in the event of its failure so to do, the Ordinance should cease to have any force or effect;

NOW, THEREFORE, the Oregon & Washington Railroad Company, in consideration of the benefits to be acquired by it under the terms of said Ordinance, does hereby accept said Ordinance and also all of the terms, provisions and conditions therein con-



tained, and does hereby covenant and agree to and with the City of Portland that it will, and its successors and assigns shall, do, keep and perform each and all of the matters and things therein set forth by it or them to be done, kept or performed.

IN WITNESS WHEREOF, the Oregon & Washington Railroad Company has caused this instrument to be executed by its President and its corporate seal to be hereto affixed, attested by its Secretary, pursuant to a resolution of its Board of Directors adopted at a meeting thereof duly called and held on the 11th day of July A. D., 1907.

Dated at Portland, Oregon, this 11th day of July, A. D., 1907.

(Seal: Oregon & Washington Railroad Company)

OREGON & WASHINGTON RAILROAD COMPANY,

ATTEST:

W. R. Litzenberg,  
Secretary.

By Wm. Crooks,  
President.

Executed in the Presence of Us:

W. A. Robbins.  
R. Blaisdell.

STATE OF OREGON, )  
                  ) ss  
County of Multnomah.)

On this 11th day of July, A. D. 1907, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Wm. Crooks, to me personally known, who being duly sworn did say, that he is the President of the Oregon & Washington Railroad Company, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in

behalf of said corporation by authority of its Board of Directors,  
and said Wm. Crooks acknowledged said instrument to be the free  
act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed my official seal the day and year first in this, my  
certificate, written.

(Notarial Seal)

W. A. Robbins,  
Notary Public for Oregon.

June 29th, 1907.

To the Honorable City Council.  
Gentlemen:

I herewith return Ordinance No. 16626 not approved. This is an ordinance which grants to the Oregon and Washington Railroad Company the right to construct a tunnel and suitable approaches across, along and under Willamette Boulevard; Dawson Street; the public highway lying between Dawson Street and Willamette Boulevard; Columbia Park; Winchell Street; Agnes Street; Willis Street; Hunt Street; Hartford Street; Newark Street; Edward Street; Trenton Street; Dana Street; Hurst Street; Foss Street; Wayland Street; Woolsey Street; Dwight Street; Newman Street; and Columbia Boulevard, sometimes called Columbia Slough Road, and the alleys in Blocks 162, 169, 171, 173, 180, 185 and 186, University Park and the right to make a cut along the line of Newark Street, where the same intersects Dana Street, and to build a steel or reinforced concrete bridge across such cut, etc.

This franchise or grant has a common user clause which allows other railroad companies to use the tunnel upon payment of a just proportion of the cost of the same; but nowhere provides any right of access or egress from said tunnel. In other words any other railroad company upon payment of its proportion of the cost of the same can use the tunnel, providing it can conjure up some means of getting into it, or out of it, which quite naturally it could not do unless it in some way secured a right to use the approaches to such tunnel, which is the right, in my opinion, that should be insisted upon by the representatives of the City before the grant is made.

Also there is no time limit set upon the life of the grant so far as I can ascertain, it being a perpetual franchise with no restriction, of which Grants this City has had experience in the past, and is now having.



The City's interests demand that as few bridges, tunnels and cuts through, over and under its property be made as possible, and in the event that another railroad should come to the City ordinary foresight suggests that the provision for the same be made as soon as possible. If the City through its agents had taken such a view of the matter when the deep cut across the Peninsula, now in process of construction, was suggested it would not have been necessary to deface that section of the City with the deep gash which is both destructive to its beauty and its usefulness, nor would the present grant have been asked for. Also it would have rendered it unnecessary to construct the bridge across the Willamette River, which is now being erected, and which when completed will forever be a bar to navigation and add to the cost of every shipment from this port in the future, to the detriment of the community.

The interests of the people are greater than are those of any corporation, and however much any particular company may have suffered at the hands of a more astute or canny rival, in its efforts to secure terminal facilities, the fact remains that we are but the agents of the people, and our duty is to them alone and to none other."

Respectfully,  
Harry Lane,  
Mayor.

Ordinance No. 16627.

An Ordinance authorizing the Mayor and Auditor of the City of Portland to receive a deed from Investment Company to the water works system known as the Piedmont Water Plant, and to draw a warrant in payment therefor upon the water fund of the City of Portland in the sum of \$20,000 and interest thereon at the rate of seven per cent per annum from June 1, 1907.

The City of Portland Does Ordain as follows:

Section 1: That the Mayor and Auditor of the City of Portland be, and they are hereby authorized to receive a deed on behalf of the City of Portland from Investment Company, a corporation of Portland, Oregon, to all of the following property: The entire water works system commonly known as the Piedmont Water Plant, including all franchises relating thereto, rights of way for pipe lines, easements, meters, and all appurtenances connected therewith and owned by said company, excepting the real estate belonging to said Investment Company, and the tanks, pumps and other chattels situated on said real property.

Section 2: That the Mayor and Auditor be and they are hereby authorized to draw a warrant on the water fund of the City of Portland in favor of said Investment Company in the sum of \$20,000 and interest thereon at the rate of Seven per cent per annum from June 1, 1907, in full payment of the purchase price of said property described in