

Ordinance No. 16785.

An Ordinance granting a revocable permit to the North Pacific Terminal Company to construct, maintain and operate a sidetrack and spur tracks on Nicolai Street from the railroad tracks on Sherlock Avenue westerly to the west line of the "Perkins Tract", as designated on the Lewis & Dryden's map of the City of Portland, and providing for common user of the same.

The City of Portland does ordain as follows:

Section 1: That a permit be and it is hereby granted to the

North Pacific Terminal Company, a corporation incorporated under the laws of the State of Oregon to construct, maintain and operate a sidetrack of standard gauge along the center line of Nicolai Street from the railroad tracks on Sherlock Avenue westerly to the west line of the "Perkins Tract" as designated on the Lewis & Dryden's map of the City of Portland, together with the right to lay down and operate spur tracks from said sidetrack to the abutting property on both sides of said Nicolai Street.

Section 2: Said sidetrack and spur tracks shall be laid as nearly as possible flush with the pavement or grade of said Nicolai Street, satisfactory to the City Engineer, and so as not to obstruct or interfere with the public traffic and travel on said street, and said North Pacific Terminal Company shall at all times while said track or tracks are so maintained, keep the street in good repair between the rails and tracks thereof and for one foot on each of the outer sides thereof, same to be paved and improved whenever so directed to do by the municipal authorities of the City of Portland.

Section 3: The operation of cars over the said track or spur tracks herein provided for, shall be subject to the supervision and direction of the authorities of the City of Portland, and the right is hereby reserved to cause the said North Pacific Terminal Company to remove said track or spur tracks and place said street in as good condition and repair as the same was before the construction of said tracks or in which the same may have thereafter been placed whenever the maintenance and operation of the same shall be or become in any way contrary to the ordinances or charter of said city or whenever this permit shall be revoked by the Council of the City of Portland.

Section 4: This ordinance and permit is granted upon the express condition that the grantee shall allow any other railroad company or corporation to use in common with it the said track or tracks upon obtaining the consent of the Council expressed by ordinance, and upon such other railroad company or companies paying an equitable and proper portion of the construction and repair of said tracks and appurtenances used by such railroad companies jointly.

Section 5: A written acceptance of the terms of this ordinance and an agreement to comply with the terms thereof shall be first filed by the North Pacific Terminal Company with the Auditor of the City of Portland before commencement of the laying of such track or spur tracks mentioned in this ordinance, and within thirty days after the same takes effect.

Section 6: Failure to lay the said track or spur tracks herein provided for within eight months from the date of the passage hereof shall at once and without any act on the part of the City of Portland forfeit all the rights and privileges herein granted.

Section 7: The permit hereby granted is revocable at the pleasure of the Council.

Passed the Council July 24th, 1907,

A. L. Barbur,

Auditor of the City of Portland.

Submitted to the Mayor, July 25th, 1907,

Not approved, Aug. 3rd, 1907, Harry Lane, Mayor.

Portland, Oregon, Aug. 5th, 1907.

To the Honorable City Council.

Gentlemen:-

I herewith return Ordinance No. 16785 not approved. This is an ordinance which grants a revocable permit to the North Pacific Terminal Company to operate a sidetrack upon Nicolai Street from Sherlock Avenue to the "Perkins Tract".

In relation to this ordinance I will say that I am informed by the person who circulated the petition that the signature to such petition of the property owners to your Honorable Body, asking for this permit were obtained upon the assurance that a certain large manufacturing establishment was to be located in that neighborhood, which would require the use of such sidetrack. I am informed by the same person that since that time the said manufacturing plant has decided to locate elsewhere where this sidetrack would be of no use to such concern, and that the necessity for the sidetrack does not now exist, and hence there is no specific or particular reason why such permit should be granted.

Respectfully,

Harry Lane, Mayor.

Filed Aug. 5, 1907,

A. L. Barbur,
Auditor of the City of Portland,
By S. Grutze, Deputy.

The foregoing ordinance was vetoed by the Mayor Aug. 5th, 1907. The ordinance was again placed upon its final passage at a regular meeting of the Council held August 14th, 1907, and declared not passed by the following vote: Yeas, Councilmen Baker, Belding, Bennett, Conannon, Cottle, Kellaner, Menefee, Vaughn, Wills, 9. Nays, Councilmen Cellars, Driscoll, Dunning, 3.

A. L. Barbur,

Auditor of the City of Portland.