

## ORDINANCE NO. 120617

An Ordinance designating certain portions of underground wiring and underground wiring control districts to be served by Pacific Power & Light Company and by Portland General Electric Company, respectively, under certain conditions; pursuant to certain provisions of Section 12 of Ordinance No. 86333 passed by the Council December 3, 1947, which granted a franchise to Pacific Power & Light Company, consenting to transfer of ownership of facilities between said companies in said designated areas under certain conditions; repealing Ordinance No. 117762 passed by the Council December 12, 1963, which designated a portion of Underground Wiring Control District "A" to be served by one or both of said electric companies, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that Underground Wiring District "A", Underground Wiring Control District "A", and Underground Wiring Control District "B", established by the Public Works Code, as amended or in process of amendment, provide for underground wiring in District "A", and for an orderly program of conversion to underground wiring within Control District "A" and Control District "B" to permit the most economical, practical and reasonable provision of underground utility facilities rather than overhead utility facilities in said areas; that among others, said Public Works Code, as amended, affects Pacific Power & Light Company and Portland General Electric Company; that ORS 221.420 provides that the City may require a public utility serving within its boundaries to make such modifications and extensions to its physical equipment, facilities or plant and service as shall be reasonable or necessary in the interest of the public, and may designate the location and nature of all additions and extensions; that the program of conversion to underground of electric service in the control districts would be facilitated by permitting said electric utilities to arrange their facilities for such conversion and to permit service to private persons within designated areas to be served exclusively by each of said companies; that such exclusive service will provide economies to the respective companies and are in the public interest; that provision should be made in accordance with current practice for the City to use conduit space without charge; that the provisions of Section 12 of Ordinance No. 86333 passed by the Council December 3, 1947, which granted a franchise to Pacific

Power & Light Company, should be complied with; that the City should consent to the interchange of ownership and transfer of ownership between the companies of facilities within the designated areas; that all designations of such areas should be combined into a single ordinance; now, therefore, subject to the exceptions hereinafter set forth, underground electric service within Underground Wiring District "A", Underground Wiring Control District "A", and Underground Wiring Control District "B", established by the Public Works Code, as amended, within the following described areas, shall be provided exclusively by Portland General Electric Company:

Beginning at a point on the center line of SW Jefferson Street at its intersection with the center line of SW Sixth Avenue; thence west along the center line of SW Jefferson Street to its intersection with the center line of SW 12th Avenue; thence north along the center line of SW 12th Avenue to its intersection with the center line of SW Main Street; thence west along the center line of SW Main Street to its intersection with the east line of the Oregon State Highway Commission right of way designated for the Stadium Freeway; thence southerly and southeasterly along said easterly line of said Stadium Freeway right of way to its intersection with the center line of SW Fourth Avenue; thence north along the center line of SW Fourth Avenue to its intersection with the center line of SW Harrison Street; thence west along the center line of SW Harrison Street to its intersection with the center line of SW Fifth Avenue; thence north along the center line of SW Fifth Avenue to its intersection with the center line of SW Mill Street; thence west along the center line of SW Mill Street to its intersection with the center line of SW Sixth Avenue; thence north along the center line of SW Sixth Avenue to its intersection with the center line of SW Jefferson Street, the point of beginning; and

Beginning at a point on the center line of SW Market Street at its intersection with the east line of SW Harbor Drive; thence north along the east line of SW Harbor Drive to its intersection with the center line of SW Jefferson Street; thence east along the center line of SW Jefferson Street extended to the west bank of the Willamette River; thence running in a northerly direction along said west bank of the Willamette River to its intersection with the center line of NW Broadway Avenue; thence westerly along the center line of NW Broadway Avenue to its intersection with the center line of NW Lovejoy Street; thence west along the center line of NW Lovejoy Street to a point where the center line of NW Park Avenue would intersect with the

center line of NW Lovejoy Street if the said NW Park Avenue were to be extended to the north from its present termination point at NW Hoyt Street; thence southerly along a line one block east and parallel to NW Ninth Avenue to the center line of NW Hoyt Street at the point where the center line of NW Park Avenue intersects with the said center line of NW Hoyt Street; thence west along the center line of NW Hoyt Street to its intersection with the east line of the Oregon State Highway Commission right of way designated for the Stadium Freeway; thence southerly along said east line of said Stadium Freeway right of way to its intersection with the center line of W. Burnside Street; thence east along the center line of W. Burnside Street to its intersection with the center line of NW 11th Avenue; thence north along the center line of NW 11th Avenue to its intersection with the center line of NW Davis Street; thence east along the center line of NW Davis Street to its intersection with the center line of NW Broadway Avenue; thence south along the center line of NW Broadway Avenue to its intersection with the center line of SW Alder Street; thence east along the center line of SW Alder Street to its intersection with the center line of SW Fifth Avenue; thence south along the center line of SW Fifth Avenue to its intersection with the center line of SW Salmon Street; thence west along the center line of SW Salmon Street to its intersection with the center line of SW Sixth Avenue; thence south along the center line of SW Sixth Avenue to its intersection with the center line of SW Madison Street; thence east along the center line of SW Madison Street to its intersection with the center line of SW Fifth Avenue; thence south along the center line of SW Fifth Avenue to its intersection with the center line of SW Jefferson Street; thence east along the center line of SW Jefferson Street to its intersection with the center line of SW First Avenue; thence south along the center line of SW First Avenue to its intersection with the center line of SW Market Street; thence east along the center line of SW Market Street to its intersection with the east line of SW Harbor Drive, the point of beginning.

Section 2. Subject to the exceptions hereinafter set forth, underground electric service within Underground Wiring District "A", Underground Wiring Control District "A", and Underground Wiring Control District "B", established by the Public Works Code, as amended, within the following described areas, shall be provided exclusively by Pacific Power & Light Company:

Beginning at a point on the center line of SW Market Street at its intersection with the center line of SW First Avenue; thence north along SW First Avenue to its intersection with the center line of SW Jefferson Street; thence west along the center line of SW Jefferson Street to its intersection with the center line of SW Fifth Avenue; thence north along the center line of SW Fifth Avenue to its intersection with the center line of SW Madison Street; thence west along the center line of SW Madison Street to its intersection with the center line of SW Sixth Avenue; thence north along the center line of SW Sixth Avenue to its intersection with the center line of SW Salmon Street; thence east along the center line of SW Salmon Street to its intersection with the center line of SW Fifth Avenue; thence north along the center line of SW Fifth Avenue to its intersection with the center line of SW Alder Street; thence west along the center line of SW Alder Street to its intersection with the center line of SW Broadway Avenue; thence north along the center line of SW Broadway Avenue to its intersection with the center line of NW Davis Street; thence west along the center line of NW Davis Street to its intersection with the center line of NW 11th Avenue; thence south along the center line of NW 11th Avenue to its intersection with the center line of W. Burnside Street; thence west along the center line of W. Burnside Street to its intersection with the east line of the Oregon State Highway Commission right of way designated for the Stadium Freeway; thence south along the east line of said Stadium Freeway right of way to its intersection with the center line of SW Main Street; thence east along the center line of SW Main Street to its intersection with the center line of SW 12th Avenue; thence south along the center line of SW 12th Avenue to its intersection with the center line of SW Jefferson Street; thence east along the center line of SW Jefferson Street to its intersection with the center line of SW Sixth Avenue; thence south along the center line of SW Sixth Avenue to its intersection with the center line of SW Mill Street; thence east along the center line of SW Mill Street to its intersection with the center line of SW Fifth Avenue; thence south along the center line of SW Fifth Avenue to its intersection with the center line of SW Harrison Street; thence east along the center line of SW Harrison Street to its intersection with the center line of SW Fourth Avenue; thence north along the center line of SW Fourth Avenue to its intersection with the center line of SW Market Street; thence east along the center line of SW Market Street to its intersection with the center line of SW First Avenue, the point of beginning.

Section 3. The provisions of this ordinance shall not affect or apply to service to the City or to street lights or energy furnished by either company under contract with the City or to traffic signal installations.

Section 4. In order to conserve public expenditures and to promote the public interest, Portland General Electric Company and Pacific Power & Light Company each for itself agrees to permit the City of Portland to use its underground conduits for fire, police, traffic, water, telephone and/or signal systems without cost to City. By permitting such use the said utilities are not responsible for any damage to wires, property or facilities of the City resulting from such use. Any service afforded or work done under this ordinance shall be subject to all provisions of the Charter and the codes and ordinances of the City of Portland otherwise applicable.

Section 5. Pursuant to Charter and franchise provisions in Section 12 of Ordinance No. 86333, which granted a franchise to Pacific Power & Light Company, consent hereby is given to subsequent sales, transfers and exchanges of plant and property necessary to effectuate the purposes of this ordinance, within the areas set forth in this ordinance between Portland General Electric Company and Pacific Power & Light Company, conditioned upon and subject to approval by the Public Utility Commissioner of Oregon and the Federal Power Commission to the extent such regulatory authorities have jurisdiction or are required to approve the same by law. In the event necessary approval by such regulatory authority of such sale, transfer or exchange is not obtained, then the consent of the City Council given under this section shall be deemed withdrawn and revoked.

Section 6. Ordinance No. 117762, entitled "An Ordinance designating portions of underground wiring control district A to be served by Pacific Power & Light Company and Portland General Electric Company respectively and exempting electric utility service within said Control District A from the provisions of Section 12 of Ordinance No. 86333, passed by the Council December 3, 1947, granting a franchise to Pacific Power & Light Company, and declaring an emergency," passed by the Council December 12, 1963, hereby is repealed.

Section 7. This ordinance shall not become effective until Portland General Electric Company and Pacific Power & Light Company each have filed with the City Auditor a document in writing approved as to form by the City Attorney, accepting the terms and conditions of this ordinance.

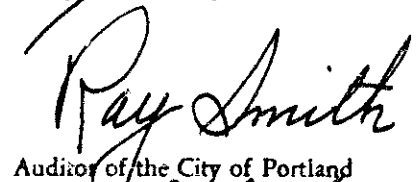
## ORDINANCE No.

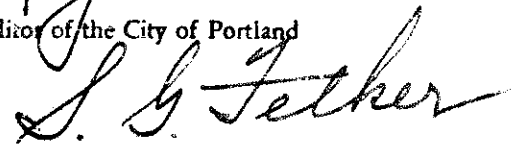
Section 8. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: In order to permit immediate planning for rearrangement of facilities by the electric utilities serving in the City and to facilitate conversion to underground facilities within downtown areas as set forth by the Public Works Code, as amended or in process of amendment; therefore, an emergency hereby is declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, JUN 30 1965

  
Mayor of the City of Portland

Attest:

  
Auditor of the City of Portland



0700

Calendar No.

# ORDINANCE NO. 120617

## THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Bean	1	
Bowes	-	
Earl	1	
Grayson	1	
Schrunk	1	

FOUR-FIFTHS CALENDAR	
Bean	
Bowes	
Earl	
Grayson	
Schrunk	

Title

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Filed JUN 9 1965

**RAY SMITH**

Auditor of the CITY OF PORTLAND

By *Robert H. Kelly* Deputy

INTRODUCED BY  
Order of Council

DRAWN BY  
MCR:jw

Date June 9, 1965

NOTED BY THE COMMISSIONER

Affairs  
Finance  
Safety  
Utilities  
Works

*MRS*

City Attorney

*DMR*

NOTED FOR CITY AUDITOR

*MS*

APPROVED

Date

By

City Engineer

Date

By