

## ORDINANCE NO. 53190

An Ordinance granting a revocable permit to THE NORTHERN PACIFIC TERMINAL COMPANY OF OREGON, its lessees, successors and assigns, to construct, maintain, equip and operate an industrial spur track in Sherlock Avenue from a point 45 feet west of the west line of Nicolai Street to a point 270 feet west of the west line of Nicolai Street, and declaring an emergency.

THE CITY OF PORTLAND DOES ORDAIN AS FOLLOWS:

Section 1. That a revocable permit be and the same is hereby granted to the Northern Pacific Terminal Company of Oregon, a corporation organized and existing under and by virtue of the laws of the State of Oregon, and to its lessees, successors and assigns, to construct, maintain, equip and operate an industrial spur track in Sherlock Avenue, City of Portland, Oregon, from a connection with the side tract of The Northern Pacific Railway Company, over which The Northern Pacific Terminal Company of Oregon has trackage rights at a point 45 feet west of the west line of Nicolai Street; thence in a general westerly direction along said Sherlock Avenue to a point, approximately, 270 feet west of the west line of Nicolai Street; said proposed spur track passing off Sherlock Avenue onto private property at said last named point.

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 the same; one of the copies of the plans so to be approved to be returned to the Terminal Company. All work shall be done

in a good and substantial manner and to the satisfaction of the City Engineer. 33190

Section 3. This permit is conditioned that the grantee will, at its own cost and expense, during the exercise of the privilege hereby granted, pave, repave, repair, or otherwise improve, maintain and adjust, in like kind or as directed by the City Engineer, any part or parts of the pavement of the roadway and sidewalk areas, as well as catch-basins, inlets, underground construction and any other construction within the street lines, which, by reason of laying the above mentioned industry track, shall, in the opinion of the City Engineer, require repairs, adjustment or reconstruction.

The grantee shall pay to the City any additional costs for constructing, reconstructing, altering, repairing or maintaining any municipal utility now existing or which may hereafter be built, caused by the construction or maintenance of said industry spur and its 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 industry track and those portions outside of the rail extending to the ends of the cross ties; PROVIDED, that in no case shall the portions outside of the rails be less than one foot in width, measured from the outside of the rail.

Section 4. This permit is hereby granted upon the condition that the grantee shall allow any other company, including any municipal belt line 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 to use in common with the grantee the tracks herein authorized to be laid, upon obtaining consent of the Council of the City of Portland, expressed by ordinance or by the people by the initiative, each railroad company paying a proper and equitable proportion for the construction and repair of the tracks and appurtenances used by such companies jointly; but the railroad companies operating engines, locomotives or cars by electrical current shall erect and maintain poles and wires, and bond the rails for operating such engines and locomotives and cars, without cost and expense to said grantee; each railroad company so using electrical current paying a proper and equitable proportion for the erection and maintenance of such poles and wires, and bonding rails.

Section 5. This permit granted, to said The Northern Pacific Terminal Company or Oregon, its lessees, successors and assigns, by this ordinance shall not in any way or 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 track which may be constructed under this ordinance, and for the maintenance and operation of such tracks.

hereby

Section 6. The permit granted is revocable at any time at the pleasure of the Council of the City of Portland, and no expenditures of money thereunder or lapse of time or other act or thing shall operate as an estoppel against the City, or be held to give the grantee any vested or other right. Upon revocation, the grantee shall, within thirty days, remove all tracks and appurtenances constructed under the said permit, and shall put those portions of the street affected by such removal in a condition as good as are

the adjoining portions of said street at the time of removal; all to be done as directed by and to the satisfaction of the City Engineer.

Section 7. This ordinance shall not exempt the grantee from taking out licenses or permits required by existing ordinances for any operation or construction carried on under the permit hereby granted.

Section 8. 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 9. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland, in this: Work must be commenced immediately on the construction of said industry spur in order to furnish transportation facilities for the FOUNDATION COMPANY, to enable it to comply with contract requirements and hasten its program of building ships for the United States and its allies in the war with Germany. Therefore, an emergency is hereby declared, and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council AUG 22 1917

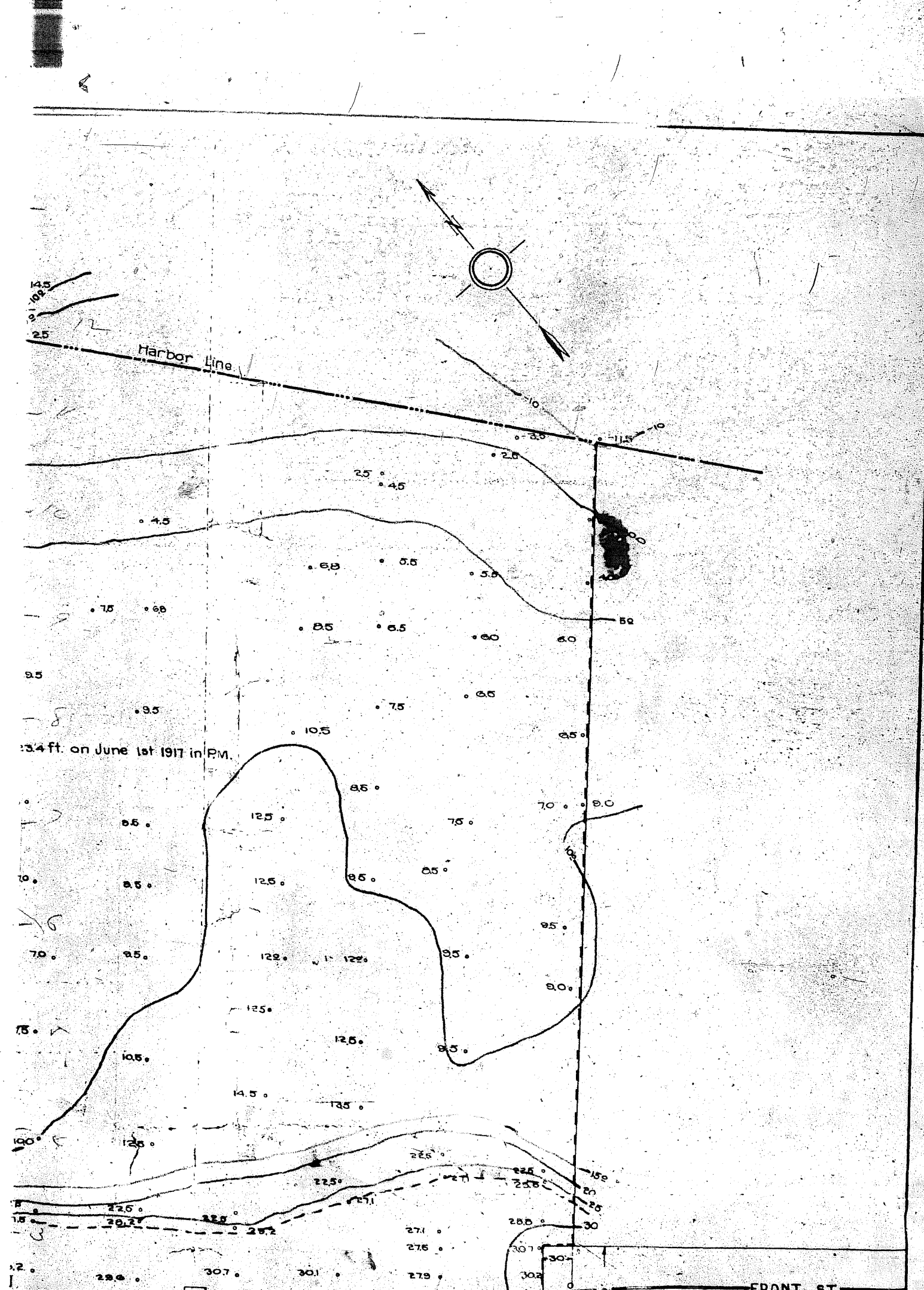
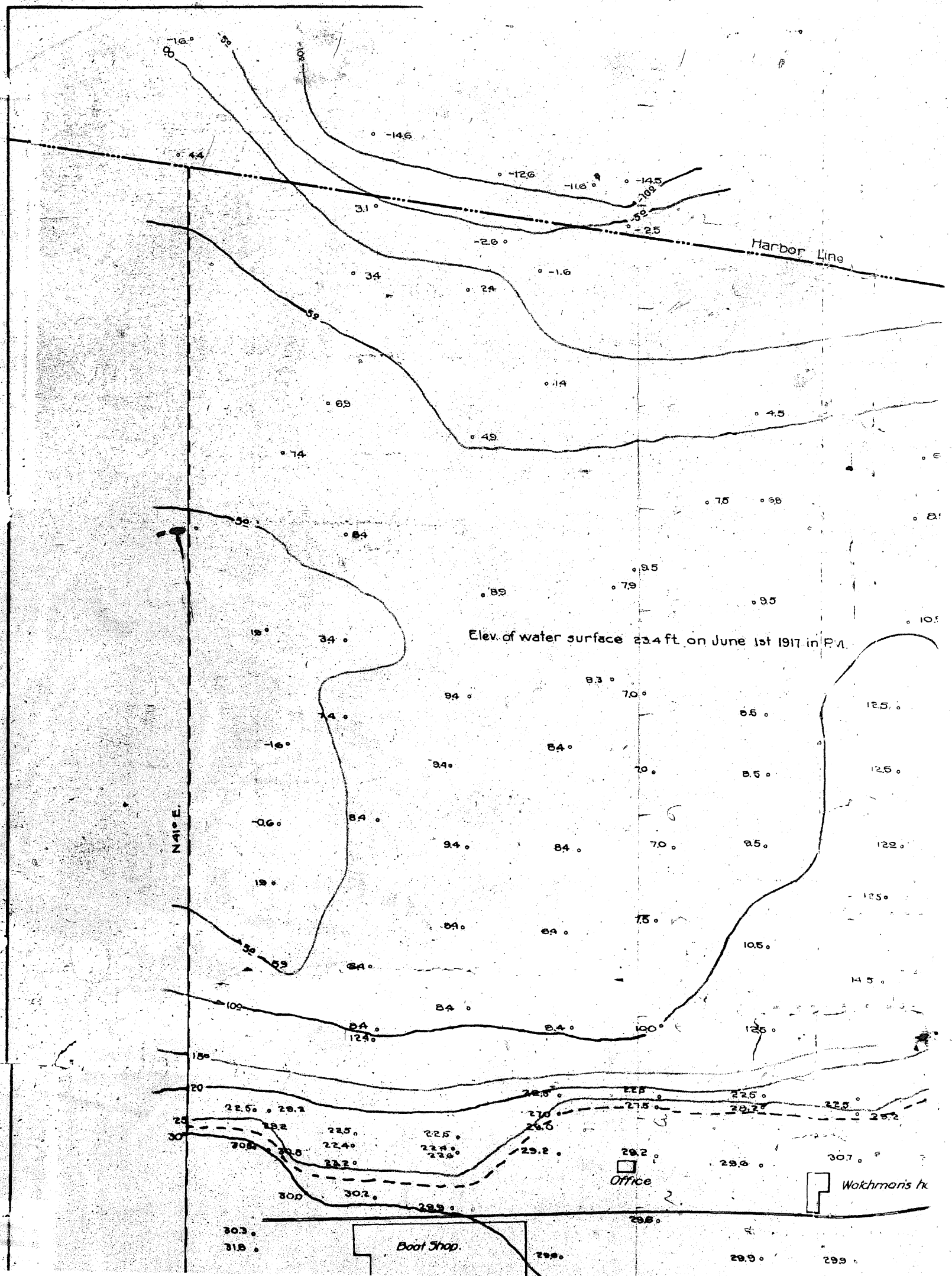
GEO. L. BAKER  
Mayor of the City of Portland

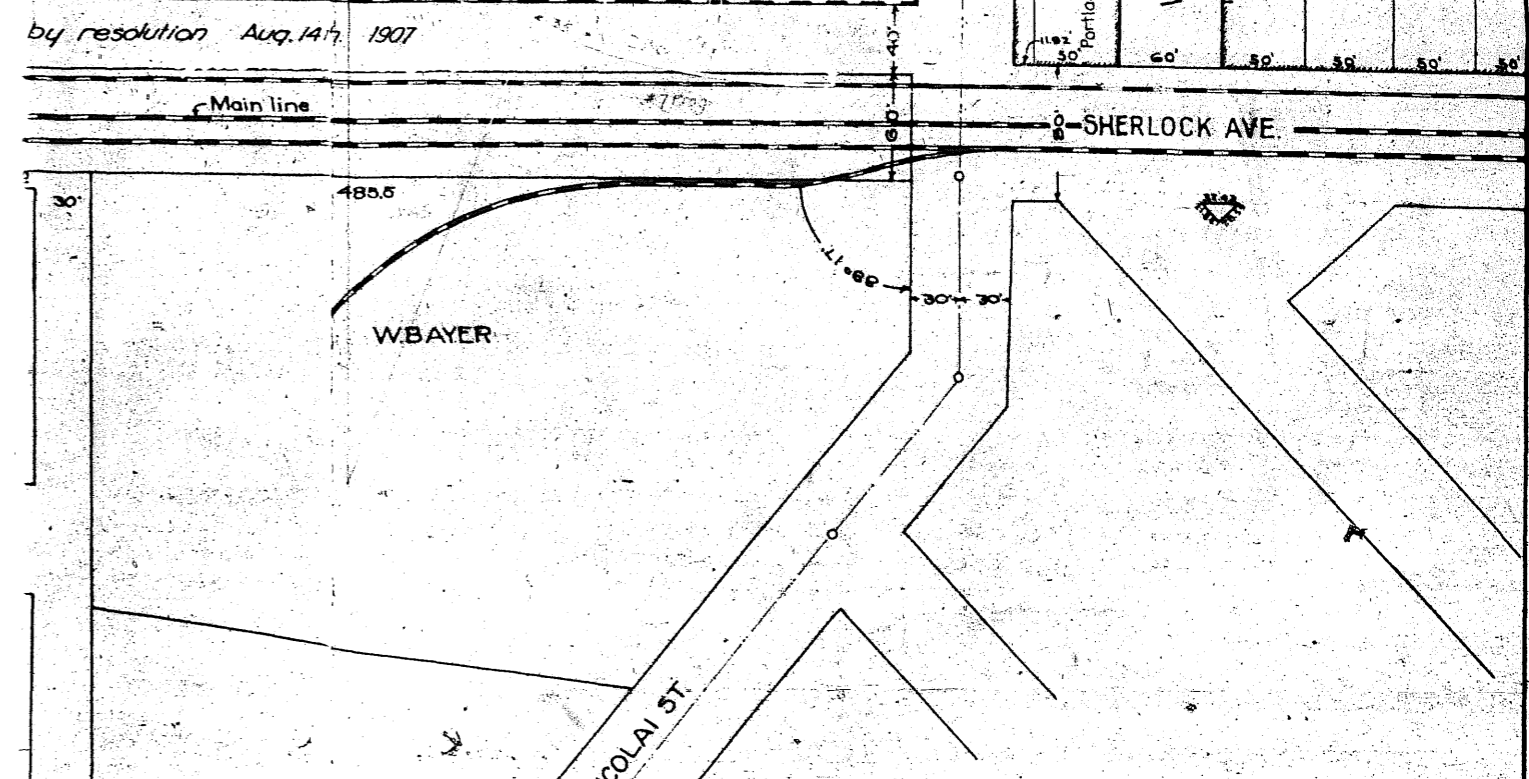
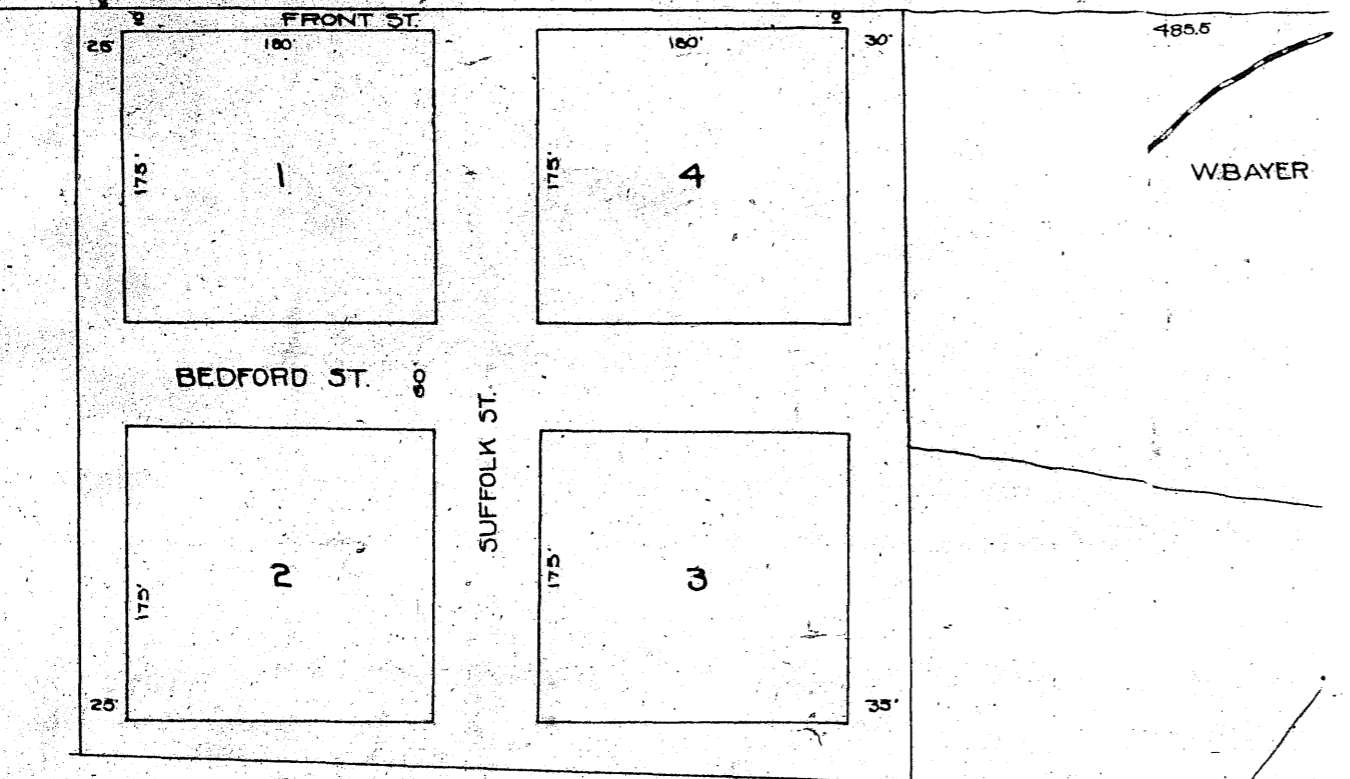
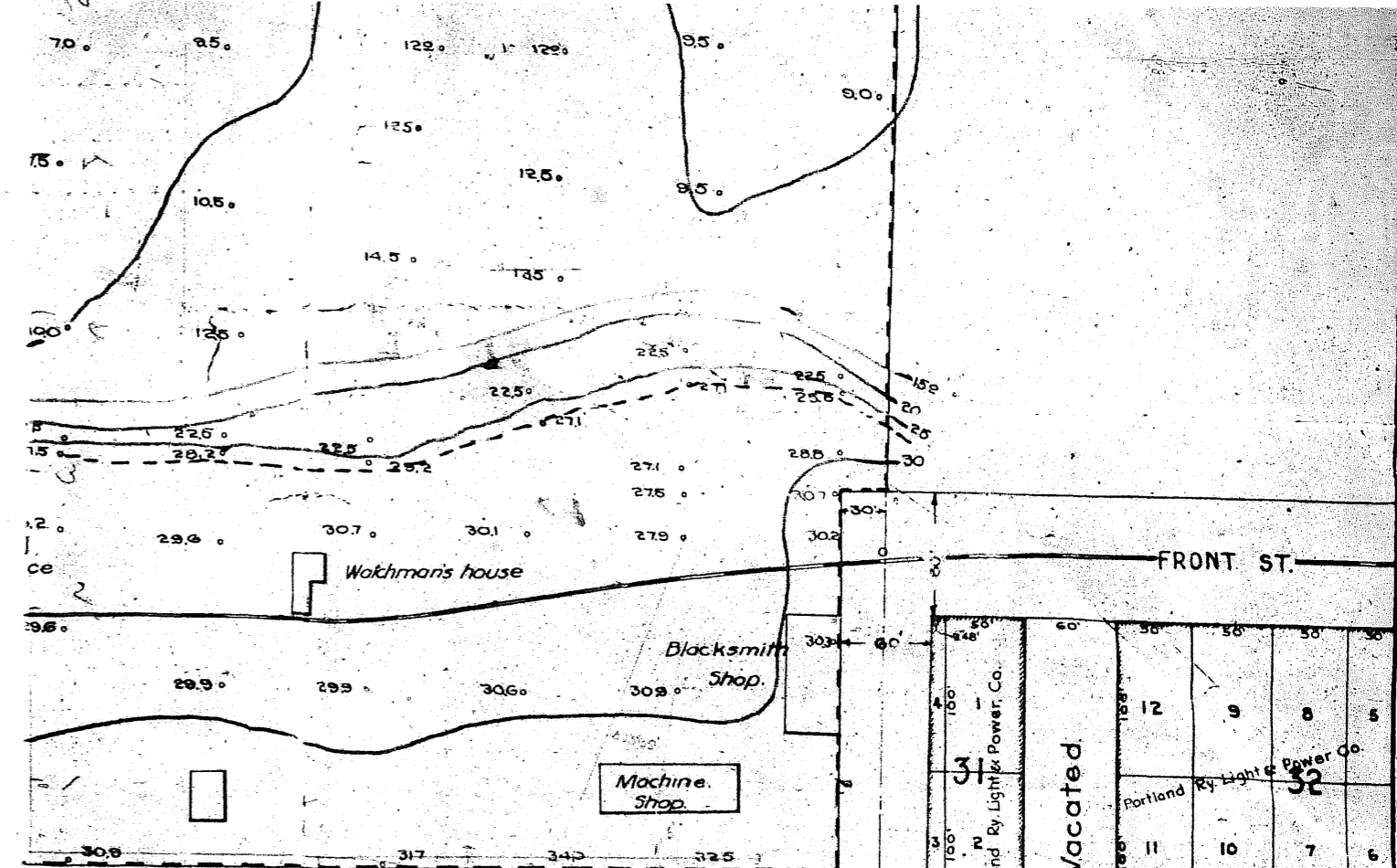
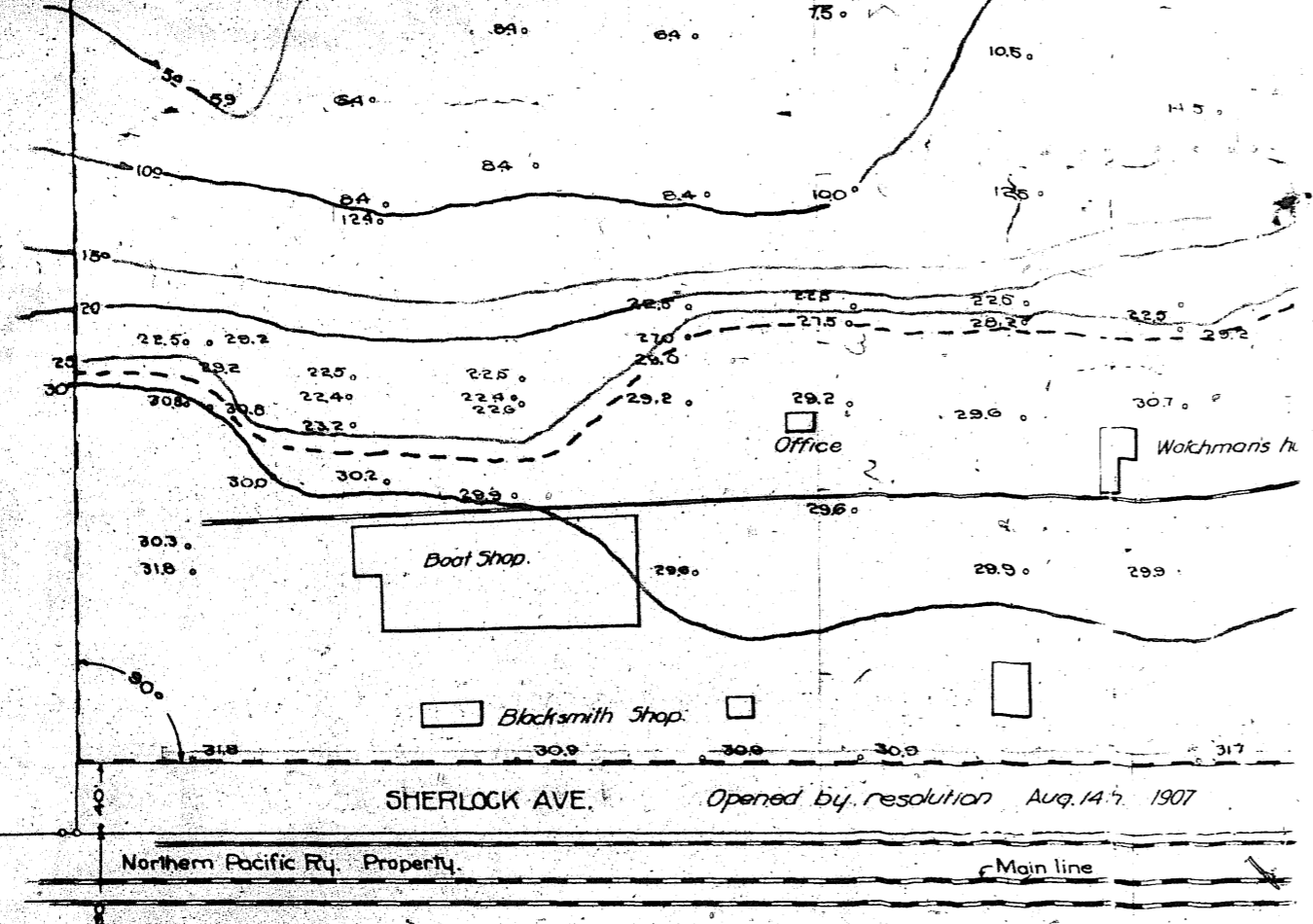
Attest:

Approved as to form  
W. P. La Roche  
City Attorney

Gus P. Smith  
Auditor of the City of Portland

OK  
8-15-17  
L.R.L.





Note.  
 Elevations shown are on same datum as the gauge established on the Bone Yard property.  
 Zero - Bone yard gauge USGS datum = -0.746  
 Zero - Morrison St gauge USGS datum = 0.554  
 See drawing 12961/204 showing various datum.

OW.R.R. & N. Co.  
 Map Showing Contours and Elevations  
 Over The Bone Yard Property  
 in  
 North Portland  
 Office Chief Engr Portland Ore  
 June 5 1917  
 Scale 1 in = 100 ft.  
 12959  
 165