

ORDINANCE NO. 33086

AN ORDINANCE granting a revocable permit to OREGON-WASHINGTON RAILROAD AND NAVIGATION COMPANY, its lessees, successors and assigns, to construct, maintain, equip and operate an industry track in Bradford Street from the south line of Alta Street to the north line of Fessenden Street, and also a spur track leading from said industry track, 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 Oregon-Washington Railroad and Navigation Company to construct, maintain, equip and operate an industry track in Bradford Street from the south line of Alta Street to the north line of Fessenden Street, said industry track being parallel with the main line track of said Oregon-Washington Railroad and Navigation Company as now located and constructed in said Bradford Street and the center line of said industry track being located approximately eight and one-half (8½) feet east of the westerly property line of said Bradford Street except at the connections of said industry track with said main line track, which connections are near the south line of Alta Street and the north line of Fessenden Street, also a spur track connecting with said industry track, the headblock of said spur track being located approximately four (4) feet northerly from the north line of Alta Street and the center line of said spur track crossing the westerly property line of Bradford Street at a point approximately 115 feet north from the intersection of the north line of Alta Street and the west line of Bradford Street.

SECTION 2: The grantee shall file in quadruplicate with the City Engineer complete plans showing the exact loca-

tion 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 Railroad Company. All work shall be done in a good and substantial manner and to the satisfaction of the city engineer.

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 and maintenance of the said industry track 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 rails extending to the ends of the cross ties, provided that in no case shall the portions



outside of the rails be less than one (1) 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 Oregon-Washington Railroad and Navigation Company, its lessees, successors and assigns, by this ordinance, shall not in any wise 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.

SECTION 6: The permit hereby granted is revocable at any time at the pleasure of the Council of the City of Portland and no expenditure 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 (30) 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 the 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 operations 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 track in order to furnish transportation facilities for Grant Smith, Porter, Guthrie Company, to enable it to comply with <sup>contract</sup> requirements, and hasten its program of building ships for the United States Emergency Fleet Corporation, 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 July 18, 1917

Geo. L. Baker  
Mayor of the City of Portland.

Attest: Geo. R. Funk  
Auditor of the City of Portland.