

Ordinance No. 36698

An Ordinance granting a revocable permit to the Northern Pacific Terminal of Oregon to construct and maintain spur track, sidings and switches on and across 26th, 27th and Wilson streets, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. That a revocable permit be and is hereby granted to the Northern Pacific Terminal of Oregon, its lessees, successors and assigns (hereinafter referred to as the grantee) to construct, maintain, equip and operate a spur track, sidings and switches on and across 26th, 27th and Wilson streets, the location of said trackage being approximately described as follows:

Beginning at a point in the north line of Wilson street approximately 22 feet east of the east line of 26th street; thence on a 20 degree curve to the right approximately 132 feet to a point of tangency in the center line of Wilson street 46.7 feet west of the west line of 26th street; thence west along the center line of 26th street to the west line of 27th street; also a siding 13 feet north and a siding 13 feet south of the center line of Wilson street with switch points approximately 134 feet and 150 feet, respectively, east of the west line of 27th street; said sidings extending to the west line of 27th street; also beginning at a switch in the center line of Wilson street approximately 235 feet east of the east line of 27th street; thence on a turnout to the right with No. 7 frog and on a 20 degree curve intersecting the north line of Wilson street approximately 80 feet east of the east line of 27th street and entering 27th street on tangent at a point approximately 50 feet north of the north line of Wilson street and leaving 27th street on a 24 degree curve to the left at a point approximately 98 feet north of the north line of Wilson street.

Section 2. The grantee shall file, in triplicate, with the City Engineer, complete plans showing the exact location within the street lines and details of construction of all proposed work, and no work thereunder shall be performed until the City Engineer shall have approved the same, one of the copies of the plans so 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 sidewalks areas, as well as catchbasins, inlets, underground construction and any other construction within the street lines, which by reason of the laying the above mentioned tracks shall in the opinion of the City Engineer require repairs, adjustments 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 tracks and their appurtenances, the equitable amount of such costs to be determined by the City Engineer.

The grantee shall 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 tracks 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 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 the said Northern Pacific Terminal of Oregon, its lessees, successors and

36898

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 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 adjacent 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 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: In order that adequate trackage facilities may be secured without delay so that supplies needed for the construction of buildings by Montgomery, Ward & Company may be obtained at a minimum expense and loss of time; 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, JAN 28 1920

GEO. L. BAKER  
Mayor of The City of Portland

ATTEST:

*Geo. R. Frank*  
Auditor of The City of Portland