

## ORDINANCE NO. 70938

An Ordinance granting a revocable permit to the Northern Pacific Terminal Company of Oregon, its successors, lessees and assigns to construct, equip, maintain and operate an industrial spur track of standard gauge on N.W. 13th Ave. from a point 160.5 feet northerly from the north line of N.W. Overton St. to the north line of N.W. Northrup St., 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, its successors, lessees and assigns (hereinafter referred to as the grantee) to construct, equip, maintain and operate an industrial spur track of standard gauge on N.W. 13th Ave. from a point 160.5 feet northerly from the north line of N.W. Overton St. to the north line of N.W. Northrup St., the center line of said industrial spur track being more particularly described as follows:

Beginning on the center line of the Northern Pacific Terminal Company's main 13th Avenue switching lead 160.5 feet northerly from the north line of N.W. Overton Street, which point is the point of switch and the beginning of the center line description of the said proposed spur; thence to the left through a No. 7 turnout a distance of 62.7 feet to the point of No. 7 frog; thence south 8 degrees 10 minutes east 104.7 feet to the beginning of a 15 degree curve to the right; thence along said 15 degree curve 54.44 feet to the end of curve, said point being on the southerly line of N.W. Overton St. 6.5 feet westerly from the east line of N.W. 13th Avenue; thence continuing southerly parallel to the east line of N. W. 13th Avenue and 6.5 feet westerly therefrom a distance of 200 feet to a point on the northerly line of N.W. Northrup Street, all as shown on the attached sketch marked Exhibit "A" approved by the City Engineer under date of May 12, 1938, and made a part of this ordinance.

All work shall be done in a good and substantial manner and to the satisfaction of the City Engineer. This permit is conditioned upon the approval by the Public Utilities Commissioner of the restricted clearance between N.W. Overton Street and N.W. Northrup Street.

Section 2. This permit is conditioned that the grantee will at its own cost and expense during the exercise of the privileges hereby granted, pave, repave, repair or otherwise improve, maintain and adjust in like manner or as directed by the City Engineer, any part or parts of the

roadway and sidewalk areas, as well as catchbasins, inlets, underground construction and any other construction within the street lines which by reason of the laying of the above-mentioned track, shall, in the opinion of the City Engineer, require repairs, adjustments or construction. The grantee shall pay the City any additional costs of construction, reconstruction, altering, repairing or maintaining any municipal utility now existing or which may hereafter be built, caused by the construction and maintenance of said spur 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 track and those portions outside of the rails extending to the ends of cross-ties, provided, that in no case shall the portion outside of the rails be less than one foot (1') in width, measured from the outside of the rail.

Section 3. This permit is granted upon the condition that the grantee shall allow any other company, including any municipal belt line or 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, steam or gas power, to use in common with the grantee, the tracks herein authorized to be laid, upon obtaining the consent of the Council of the City of Portland, expressed by ordinance, or by the people by the initiative, each user paying a proper and equitable proportion of the cost of construction and repair of the tracks so used jointly.

Section 4. This permit so granted to said the Northern Pacific Terminal Company by this ordinance shall not in anywise 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 5. 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 rights. Upon the revocation hereof, the grantee shall within thirty (30) days, remove all tracks and appurtenances constructed under said permit and shall put those portions of the streets 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 6. 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 7. 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 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 that switching facilities may be provided for important local industrial concerns with the least possible delay; therefore, an emergency is hereby declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council      May 19 1938

Joseph K. Carson Jr.  
Mayor of The City of Portland

ATTEST:      Edwin W. Jones  
Auditor of The City of Portland

Com'r Bean

**Ordinance No. 70938**

Granting a revocable permit to the Northern Pacific Terminal Company of Oregon, its successors, lessees and assigns to construct, equip, maintain and operate an industrial spur track of standard gauge on NW 13th avenue from a point 160.5 feet northerly from the north line of NW Overton street to the north line of NW Northrup street, and declaring an emergency.

## Bean

Thursday

ORB

Filed May 23 1938

Edwin W. Jones

Auditor of the City of Portland

By R. S. Ivey  
Deputy

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