

ORDINANCE NO.

An Ordinance granting to the Oregon Railroad & Navigation Company, a corporation, its successors and assigns, the franchise and right to construct and equip, own, maintain and operate a railway track and sidetrack, all of standard gauge, extending from a connection with the constructed railroad of said company at the intersection of East Ankeny street and East Second street, and thence in a southeasterly direction crossing East Ash street to East Third street, and extending thence southerly along East Third street from a point between East Ash street and East Pine street to Hawthorne avenue, and to operate locomotives and cars over the same, by the City of Portland. The City of Portland does ordain as follows:

Section 1. That there be and is hereby granted to the Oregon Railroad & Navigation Company, a corporation, its successors and assigns, and subject to the terms and provisions contained in this ordinance, the franchise, right and privilege to construct, own, equip, maintain and operate a line of railroad track of standard gauge extending from a connection with the Oregon Railroad & Navigation Company's constructed railroad at the intersection of East Ankeny street and East Second street in a southeasterly direction crossing East Ash street, and thence in a southeasterly direction to East Third street at a point between East Ash street and East Pine street and thence continuing southerly along East Third street, crossing all intersecting streets, to Hawthorne avenue, in the City of Portland, and to operate locomotives and cars over the same.

Section 2. The franchise, right and privilege is further granted to the Oregon Railroad & Navigation Company to construct, maintain and operate along East Third street, side tracks of standard gauge to connect with the said franchise mentioned in Section 1 of this ordinance for the purpose of furnishing loading and unloading facilities to persons owning and occupying property along or adjacent to East Third street.

Section 3. The track mentioned in Section 1 of this ordinance shall be constructed as nearly as practicable in the center of East Third street, and the grade of the tracks to be constructed hereunder shall be the same as that of the established grade of the streets upon which they are constructed, so as to interfere as little as possible with all public use of said street.

Section 4. Nothing contained in this ordinance, or any right, privilege or franchise granted hereunder, shall be construed to prevent the municipal authorities of the City of Portland from severing, grading, paving, planking or macadamizing or improving any of the streets over which the tracks constructed hereunder shall pass.

Section 5. The Oregon Railroad & Navigation Company, its successors and assigns, shall commence the construction of the railroad track authorized by Section 1 of this ordinance within thirty (30) days from and after the final approval of this ordinance, and shall complete the construction thereof within six months thereafter. The failure of the Oregon Railroad & Navigation Company to construct said railroad track within the time limited hereby, shall render the right to construct, maintain and operate such railroad track hereby granted, to be appropriated to the City of Portland. Should the construction of the railroads authorized to be constructed hereunder be delayed by riot, strikes, accidents, casualties, defaults or delays by contractors, materialmen or carriers, or by the act of God, or by injunction or judicial interference, then and in that event the time for the construction thereof shall be extended beyond the period above limited in this section for a period equal to the sum of all delays so caused.

Section 6. All rights, franchises and privileges granted to or conferred upon the Oregon Railroad & Navigation Company by this ordinance shall continue and remain in force until the expiration of

twenty-five (25) years from and after the date when this ordinance shall finally become effective.

Section 7. The Oregon Railroad & Navigation Company, its successors and assigns, shall hereafter, upon the making of any sale, transfer, mortgage or lease of the line or lines of railroad and side tracks to be constructed hereunder, or of the franchise, rights and privileges hereby granted, within five (5) days thereafter, file with the Auditor of the City of Portland a copy of the deed, agreement, mortgage, lease or other written instrument evidencing such sale, transfer, mortgage or lease, certified and sworn to as correct by the grantee in person, if an individual, or by the president or secretary, if a corporation, and every such transfer, mortgage or lease of such franchise, or the tracks constructed hereunder, whether voluntary or involuntary, shall be deemed void and of no effect unless the grantee shall so file a copy of such written instrument.

Section 8. The Oregon Railroad & Navigation Company shall, within thirty (30) days after the approval of this ordinance, file in the office of the Auditor of the City of Portland, its written agreement, containing the terms, restrictions and franchises, rights and privileges hereby granted and subject to the terms, restrictions and privileges herein contained. The failure of said company so to file such acceptance within the period limited shall be deemed a refusal to be a rejection by the Oregon Railroad & Navigation Company of the terms and conditions of this ordinance, and upon this expiration of said period of thirty (30) days, if the same shall not have been accepted, this ordinance shall become and be wholly void, inoperative and of no effect.

Section 9. The amount and manner of the compensation to be paid by the Oregon Railroad & Navigation Company for the granting of the franchise and for the rights hereby granted, is hereby fixed as follows:

The said Oregon Railroad & Navigation Company, its successors and assigns, will pay to the Treasurer of the City of Portland, on or before the 15th day of January, 1910, and annually thereafter during the life of this franchise, the sum of one hundred dollars.

Section 10. Whenever the owner or lessee of any lot or lots abutting upon East Third street between the point where said track enters East Third street near East Ash street and Hawthorne avenue, has or may hereafter locate or construct upon said lot or lots any warehouse, manufacturing or mechanical establishment which will furnish carload business requiring sidetrack facilities, said company will, at its own cost and expense, construct such sidetrack for said person and will operate and maintain the same as long as said carload business is to or from said industry requires the same.

Section 11. The Oregon Railroad & Navigation Company, its successors and assigns, shall, during the life of this franchise, which free of charge, or cause to be switched, free of charge, to or toward via its line from points east of Portland and destined to industries located upon the tracks covered by this franchise.

Section 12. The franchise herein granted is upon the condition that the grantee, its successors and assigns, shall allow any other railroad company, including railroad companies operating engines, locomotives or cars by electrical current, to use in common with the grantee, its successors and assigns, the tracks herein authorized to be laid upon obtaining consent of the Council of the City of Portland, expressed by ordinance, 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 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 or expense to such grantee, its successors or assigns, 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 13. The Oregon Railroad & Navigation Company, its successors and assigns and representatives shall keep those portions of the streets occupied by said railroad tracks in good repair and as required by the Council and shall, during the life of this ordinance, plank, pave, repave, reconstruct or otherwise improve or repair or maintain in good condition, and in the manner directed by the Council and by the Executive Board, the whole or any portion of the streets along or over which said railroad tracks shall be constructed lying between the rails or tracks constructed thereon and extending one foot outside of such rails, and also the portion of the streets lying between the main track and any side tracks to be constructed hereunder.

Section 14. In the event that any street or portion of a street or other public place used by the Oregon Railroad & Navigation Company, its representatives and assigns, shall during the life of the franchise hereby granted, be required by the Oregon Railroad & Navigation Company, its successors or assigns, said company or its successors or assigns shall forthwith remove its tracks without any further notice on the part of the city, provided that no track or portion thereof, laid under the authority granted by this ordinance, shall be abandoned without first obtaining the consent of the Council of the City of Portland, expressed by ordinance.

Section 15. The failure to comply within a reasonable time with any of the provisions or conditions contained in this franchise shall authorize the City of Portland to declare an immediate forfeiture of the franchise hereby granted, and the roadbed or tracks constructed hereunder shall likewise be forfeited; or, in case of the failure or neglect or refusal of said company, its successors and assigns, after thirty (30) days notice given by the Council, to improve or maintain as above set out, the portions of the streets above described, the City of Portland may, at its option, do such work, and the cost of the same as ascertained and declared by the Council shall be entered in the docket of the City Liens and be enforced in like manner and with like effect as a general tax upon the real and personal property of the Oregon Railroad & Navigation Company, its successors or assigns.

Section 16. The Oregon Railroad & Navigation Company, its successors and assigns, shall cause each and every of its trains, engines or cars using said tracks to come to a full stop on approaching East Morrison street and sound out a flagman; and each of said trains, engines or cars shall not proceed over or across said East Morrison street until after receiving a proper signal from said flagman that the way is clear.

Section 17. The estimated total cost of constructing the tracks authorized to be constructed by this ordinance is the sum of twelve thousand dollars, and the yearly sum to be expended thereon is the sum of five hundred dollars.

Section 18. At all times the power and right to reasonably regulate in the public interest the exercise of the franchise or right granted by this ordinance shall remain and be vested in the Council of the City of Portland.

Section 19. This ordinance and the franchise therein contained is granted subject to all the terms, provisions and conditions contained in the charter of the City of Portland, applicable hereto, in the same manner and to the same extent as though each and every of said terms, provisions and conditions were expressly set out and embodied herein.

Passed the Council Dec 8 1909

A L Barbur

Auditor of the City of Portland

Submitted to the Mayor Dec 9 1909

Approved Dec 10th, 1909, Joseph Simon, Mayor

KNOW ALL MEN BY THESE PRESENTS:

That The Oregon Railroad & Navigation Company does hereby unqualifiedly accept the Ordinance of the City of Portland No. 20479, entitled, "An Ordinance Granting to The Oregon Railroad & Navigation Company, a corporation, its successors and assigns, the franchise and right to construct and equip, own, maintain and operate a railway track and sidetracks, all of standard gauge, extending from a connection with the constructed railroad of said company at the intersection of East Ankeny street and East Second street, and thence in a southeasterly direction, crossing East Ash street to East Third street, and extending thence southerly along East Third street from a point between East Ash street and East Pine street to Hawthorne avenue, and to operate locomotives and cars over the same, in the city of Portland", and the franchises, rights and privileges thereby granted, and subject to the terms, restrictions and privileges therein contained.

IN WITNESS WHEREOF, said The Oregon Railroad & Navigation Company has caused these presents to be executed on its behalf by its proper officers thereunto duly authorized, this 21st day of December, A D, 1909.

THE OREGON RAILROAD & NAVIGATION COMPANY,

R S Lovett

President

Attest: Alex Millar,

Assistant Secretary

(Corporal Seal)

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THE OREGON RAILROAD & NAVIGATION COMPANY,

R S Lovett

President

Attest: Alex Millar,

(Corporal Seal)

Assistant Secretary

An Ordinance estimating and declaring the necessary amount of money to be raised by the general taxes, and levying the necessary tax therefor for the fiscal year ending December 31, 1910.

The City of Portland does ordain as follows:

Section 1. That in pursuance of Section 235 of the Charter of the City of Portland, and the annual Budget of current expenses for the ensuing year, prepared by the Mayor and presented to the Council; it is hereby estimated and declared necessary that the sum of \$1,132,691.84 shall be raised by the general taxes for the expenses of the Municipal Government of the City of Portland for the year 1910.

Section 2. That in pursuance of Section 114 of the Charter of the City of Portland, as amended, there is hereby levied a tax for Municipal purposes for the City of Portland for the fiscal year ending December 31, 1910, of four and ninety-hundredths (4.90) mills on each one dollar valuation on all property, both real and personal, within the corporate limits of the City of Portland not exempt from taxation and the taxes hereby levied shall be set apart and apportioned as provided in said Section 114 of the City Charter as follows:

Forty-five hundredths, (45/100) of a mill for lighting the streets of the City of Portland, to be known as the "Lighting Fund."

One and sixty-five hundredths, (1-65/100), mills for the maintenance of the Fire Department, to be known as the "Fire Department Fund."

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One and five hundredths, (1-5/100), of a mill for the maintenance of the Police Department, to be known as the "Police Department Fund."

Twenty-seven hundredths, (27/100), of a mill for the maintenance, preservation and repair of the streets, to be known as the "Street Repair Fund."

Thirteen hundredths, (13/100), of a mill for the maintenance and support of a free library, to be known as the "Public Library Fund."

Forty-two hundredths, (42/100), of a mill for the maintenance, preservation and improvement of the parks, squares and public grounds, and for the planting, preservation and maintenance of ornamental trees, shrubs and flowers in or upon the public streets and boulevards of the City, to be known as the "Park Fund."

Seventy-three hundredths, (73/100), of a mill for the payment of interest accruing on the bonded indebtedness of the City, to be known as the "Bonded Indebtedness Interest Fund."

Twenty hundredths, (20/100), of a mill for the purchase, payment or redemption of the bonded indebtedness of the City, to be known as the "Sinking Fund."

Section 3. Whereas there is an immediate necessity that this ordinance shall take effect upon its approval by the Mayor, an emergency is hereby declared and said ordinance is hereby declared to be necessary for the immediate preservation of the health, peace and safety of the people of the City of Portland for the following reasons: That the annual tax levy for the City of Portland must be made before the first day of January of the year for which said tax is levied, and

it is not possible for said tax to be properly levied unless this ordinance becomes operative immediately upon its passage and approval by the Mayor. Therefore this ordinance shall take effect and be in force immediately upon its approval by the Mayor.

Passed the Council, DEC 22 1909

A. L. BARBUR

Auditor of the City of Portland.

Submitted to the Mayor, DEC 23 1909

APPROVED DEC 24 1909

JOSEPH SIMON Mayor.