

EAST BELMONT ST.

BELMONT ST.

077<sup>1</sup>/<sub>2</sub> YAMHILL ST.

TAYLOR ST.

So. EAST

So. EAST

So. EAST

APPROVED

AUG 3 1945

By *C. S. Johnson*  
Chief Civil Engineer  
Reg. Prof. Engr. 219

APPROVED

AUG 3 1945

By *B. S. Johnson*  
CITY ENGINEER  
Reg. Prof. Engr. No. 1152

South East Second Avenue

Second Avenue

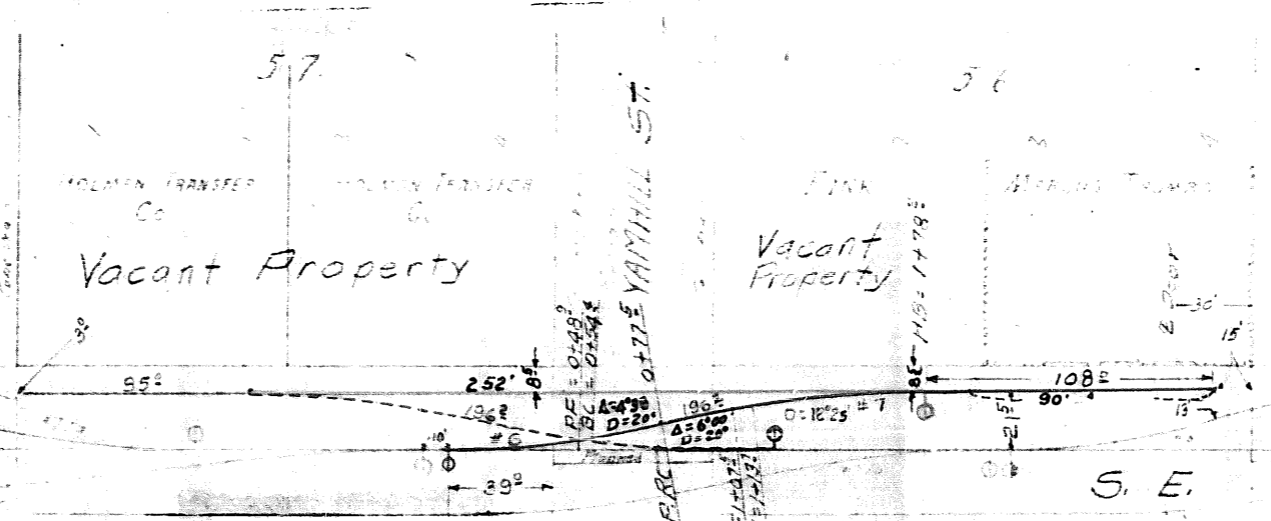


EXHIBIT "A"  
O. W. R. & N. CO.  
UNION PACIFIC RAILROAD CO., LESSEE  
EAST PORTLAND

Proposed trackage to serve Marcus  
Truck Co.

Scale 1" = 50' 9/2/45  
Divn. Engr. Off. Albina, Oregon

LEGEND  
Additional track shown Yellow and Green  
Relocated track shown.....Red

CITY OF PORTLAND  
COUNCIL

ORDINANCE NO. 81999

An Ordinance granting a revocable permit to Oregon-Washington Railroad & Navigation Company and its lessee, Union Pacific Railroad Company, c/o T. B. Collins, Pittock Block, Portland, 5, Oregon, their successors, lessees and assigns, to construct, equip, maintain and operate an industrial spur track of standard gauge lying between the northerly line of S.E. Taylor Street and the southerly line of S. E. Belmont Street and crossing S.E. Yamhill Street, and repealing Ordinance No. 81195, passed by the Council July 5, 1945, 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 Oregon-Washington Railroad & Navigation Company and its lessee, Union Pacific Railroad Company, their successors, lessees and assigns, (hereinafter collectively referred to as the grantee) to construct, equip, maintain and operate an industrial spur track of standard gauge lying between the northerly line of S.E. Taylor Street and the southerly line of S.E. Belmont Street and crossing S.E. Yamhill Street, in the City of Portland, Multnomah County, Oregon, the center line of said spur track, so far as it will be located within the street area, being more particularly described as follows:

TRACK NO. 1

Beginning at a point on the center line of S.E. Second Avenue thirty-nine (39') feet north of the north line of S.E. Yamhill Street, which point is on the center line of the present switching lead; thence southerly through a number six turnout to the left with a frog angle of nine degrees thirty-two minutes ( $9^{\circ} 32'$ ) a distance of fifty-four and four tenths (54.4') feet; thence continuing southerly through a twenty degree ( $20^{\circ}$ ) curve to the left with a central angle of four degrees and thirty-eight minutes ( $4^{\circ} 38'$ ) a distance of twenty-three and one tenth (23.1') feet; thence continuing southerly through a twenty degree ( $20^{\circ}$ ) curve right, with a central angle of six ( $6^{\circ}$ ) degrees, a distance of thirty (30') feet; thence through a twelve degree and twenty-five minute ( $12^{\circ} 25'$ ) curve right, being a number seven turnout, a distance of seventy and seven tenths (70.7') feet, more or less to a point which is eight and five tenths (8.5') feet west of the easterly line of

1329

S.E. Second Avenue; thence continuing on a line which is tangent to above described curve and parallel to east line of S. E. Second Avenue, a distance of one hundred eight (108') feet more or less to a point which is fifteen (15') feet north of north ~~line of S.E.~~ Taylor Street and the end of the track

TRACK NO. 2

Beginning at a point eight and five tenths (8.5') feet west of east line of S.E. Second Avenue and one hundred twenty-three (123') feet north of north line of S.E. Taylor Street, thence north through a number seven turnout, having a frog angle of eight degrees and ten minutes ( $8^{\circ} 10'$ ), and on a straight line parallel to and eight and five-tenths (8.5') feet west of said east line of S. E. Second Avenue, a distance of two hundred fifty-two (252') feet, more or less, to a point of connection with existing spur track; said spur track continues north on above described course a distance of eighty-five (85') feet, more or less, to a point three (3') feet south of south line of S.E. Belmont Street;

and as shown on the attached plan marked Exhibit "A" and made a part of this ordinance. This permit being granted on the condition that the existing track shown on the said sketch in a red dotted line shall be removed from the street area.

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 same, one of the copies of the plan so to be approved to be returned to the said grantee. 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 their 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 area as well as catchbasins, inlets, underground construction, and any other construction within the street lines which by the reason of the laying of the above mentioned tracks shall in the opinion of the City Engineer

require repairs, adjustments or construction. The grantee shall pay to 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 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 (1') foot in width, measured from the outside of the rail.

Section 4. 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 5. This permit so granted to the said Oregon-Washington Railroad & Navigation Company and Union Pacific Railroad Company, their successors, lessees and assigns, by this ordinance shall not in any 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 said other tracks.

Section 6. The grantee shall pay all the costs of moving the existing poles, wires or conduits belonging to utility companies now located in the area to be occupied by the said spur track and before any work is done under this permit the grantee shall come to an agreement with any such utility companies about the removal of said poles, wires or conduits.

Section 7. 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 of Portland or be held to give the grantee



any vested or other rights. Upon revocation of this permit by the Council, 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 work to be done as directed by and to the satisfaction of the City Engineer.

Section 8. This ordinance shall not exempt the grantee from taking out licenses or permits required by any existing ordinances for any operation or construction carried on under the permit hereby granted.

Section 9. 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 10. That Ordinance No. 81195 entitled, "An Ordinance granting a revocable permit to Oregon-Washington Railroad & Navigation Company and its lessee, Union Pacific Railroad Company, c/o P. B. Collins, Pittcock Block, Portland 5, Oregon, their successors, lessees and assigns, to construct, equip, maintain and operate an industrial spur track of standard gauge in S.E. Second Avenue at S.E. Taylor Street, and declaring an emergency" passed by the Council July 5, 1945, be and the same is hereby repealed, and the permit thereby granted be and the same is hereby revoked.

Section 11. 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 switching facilities may be provided for an important local industry 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 AUG 9 1945

J.O.S.Jr.

D.M.L.

R. S. I.

*Earl Riley*  
Mayor of the City of Portland

Attest:

*John Fred Meier*  
Auditor pro tem of the City of  
Portland

Commissioner Lee

8-7-45

LML:eb

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ORDINANCE No. 81329

An Ordinance granting a revocable permit to Oregon-Washington Railroad & Navigation Company and its lessee, Union Pacific Railroad Company, c/o T. B. Collings, Pittock Block, Portland 5, Oregon, their successors, lessees and assigns, to construct, equip, maintain and operate an industrial spur track of standard gauge lying between the northerly line of S.E. Taylor Street and the southerly line of S.E. Belmont Street and crossing S.E. Yamhill Street, and repealing Ordinance No. 81195, passed by the Council July 5, 1945, and declaring an emergency.

4/5  
D.M.L.  
F.L.P.  
E.R.  
W.A.B.

Filed AUG 10 1945

*John B. ...*  
Auditor pro tem  
of the CITY OF PORTLAND

ELBERT G. ROFF  
Deputy

THE FOLLOWING IS THE OFFICIAL VOTE ON THE FOREGOING ORDINANCE		
	YEAS	NAYS
BOWEN	1	
COOPER		
LEE	1	
FEVERSON	1	
RILEY	1	