







ORDINANCE NO. 82101

An Ordinance granting a revocable permit to Portland Electric Power Company, its successors, lessees and assigns, to construct, reconstruct, relocate, equip, maintain and operate a three rail main track for standard and narrow gauge equipment on S. E. Water Avenue from the south line of S. E. Market Street to the south line of S. E. Stark Street with yard tracks, curves, passing tracks and industrial spur tracks extending therefrom; and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. A revocable permit is hereby granted to the Portland Electric Power Company, its successors, lessees and assigns (hereinafter referred to as the grantee) to construct, reconstruct, relocate, equip, maintain and operate the following three rail main track for both standard and narrow gauge equipment on S. E. Water Avenue between the south line of S. E. Market Street and the south line of S. E. Stark Street, and yard tracks, curves, passing track and industrial spur tracks connecting with said main line track in the City of Portland, Multnomah County, Oregon, all being more particularly described, in so far as they will be located within the street area, as follows:

(a) A three rail main track for both standard and narrow gauge equipment on S. E. Water Avenue extending northerly from the south line of S. E. Market Street to the south line of S. E. Stark Street.

(b) A standard gauge yard track leaving the center line of the main track on S. E. Water Avenue 115 feet north of the south line of S. E. Market Street and extending southeasterly on a curve to the south line of S. E. Market Street 22 feet, more or less, east of the center line of S. E. Water Avenue.

(c) A standard gauge yard track leaving the above mentioned main yard track at the south line of S. E. Market Street and extending northwesterly on a curve across the main line track on S. E. Water Avenue to the west line of S. E. Water Avenue 90 feet, more or less, north of the south line of S. E. Market Street.

(d) A standard gauge yard track leaving the main track on S. E. Water Avenue 60 feet north of the south line of S. E. Clay Street and extending southeasterly

to the east line of S. E. Water Avenue 95 feet, more or less, north of the south line of S. E. Market Street.

(e) A standard gauge yard track leaving the next above mentioned track 6 feet, more or less, south of the south line of S. E. Clay Street and extending south and southeasterly to the south line of S. E. Market Street.

(f) A standard gauge spur leaving the center line of the main track on S. E. Water Avenue 5 feet north of the south line of S. E. Hawthorne Boulevard and extending southeasterly by reverse curves to the east line of S. E. Water Avenue 100 feet north of the north line of S. E. Clay Street.

(g) A standard gauge curve in the southwest quadrant of the intersection of S. E. Water Avenue and S. E. Hawthorne Boulevard connecting the south track on S. E. Hawthorne Boulevard to the main track on S. E. Water Avenue.

(h) A standard gauge curve in the northeast quadrant of the intersection of S. E. Water Avenue and S. E. Hawthorne Boulevard connecting the north track on S. E. Hawthorne Boulevard to the main track on S. E. Water Avenue.

(i) A standard gauge spur track leaving the main track on S. E. Water Avenue 34 feet south of the north line of S. E. Hawthorne Boulevard and extending on a curve northwesterly to the west line of S. E. Water Avenue 100 feet, more or less, north of the north line of S. E. Hawthorne Boulevard.

(j) A standard gauge passing track on the west side of the main track on S. E. Water Avenue from a point 75 feet south of the south line of S. E. Madison Street to a point 75 feet north of the north line of S. E. Main Street.

(k) A three rail spur track for both standard and narrow gauge equipment leaving the main track on S. E. Water Avenue 75 feet south of the south line of S. E. Main Street and extending on a curve northwesterly to and along S. E. Main Street to the north line thereof 40 feet west of the west line of S. E. Water Avenue.

(l) A standard gauge spur track leaving the main track on S. E. Water Avenue at a point 61 feet north of the north line of S. E. Main Street and extending

on a curve southeasterly to and across S. E. Main Street to the south line thereof at a point 12 feet, more or less, east of the east line of S. E. Water Avenue.

(m) A standard gauge spur track leaving the main track on S. E. Water Avenue 87 feet south of the south line of S. E. Salmon Street and extending on a curve northwesterly into and across S. E. Salmon Street to the north line thereof at a point 50 feet, more or less, west of the west line of S. E. Water Avenue.

(n) A three rail spur track for both standard and narrow gauge equipment leaving the main track on S. E. Water Avenue at a point 93 feet north of the north line of S. E. Salmon Street and extending on a curve southwesterly to the west line of S. E. Water Avenue at a point 35 feet, more or less, north of the north line of S. E. Salmon Street.

(o) A standard gauge spur track branching from the spur track permitted by Ordinance No. 44946 at a point approximately at the center line of S. E. Yamhill Street and approximately 30 feet west of west line of S. E. Water Avenue and extending northwesterly to the north line of S. E. Yamhill Street at a point approximately 80 feet west of the west line of S. E. Water Avenue.

(p) A narrow gauge curve in the southeast quadrant of the intersection of S. E. Water Avenue and S. E. Morrison Street connecting the main track on S. E. Water Avenue to the south track on S. E. Morrison Street.

and as shown on the attached plan marked Exhibit "A" and hereby made a part of this ordinance.

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 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 area as well as catchbasins, inlets, underground construction, and any other construction within the street lines which by reason of the laying or relaying 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 and all 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 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. The permit granted to the Portland Electric Power Company, its 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 tracks which may be constructed under this ordinance, and for the maintenance and operation of said other 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 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 this 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 7. 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 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 and agreeing to 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 street improvement may be made at once and without interrupting more than necessary the facilities of the grantee herein; 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 FEB 11 1946

*Henry M. Gullough, Jr.*

PRESIDENT OF THE COUNCIL AND ACTING  
Mayor of the City of Portland

Attest:

*John B. Emmer*

M.C.R.  
D.M.L.  
R. S. I.

Auditor pro tem of the City of Portland

2/1/46

Commissioner Lee

MCR:eh



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THURSDAY

FEB 7-1946  
CONTINUED TO 9:30 A.M. FEB 11 1946

THE FOLLOWING IS THE OFFICIAL VOTE TAKEN FOR THE ORDINANCE		
	YEAS	NEES
DUWES	1	
COOPER	1	
LEE	1	
PETERSON	1	
RILEY		

Filed FEB 14 1946

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

By ELBERT G. ROFF  
Deputy