

ORDINANCE NO. 82371

An Ordinance granting a revocable permit to the Spokane, Portland and Seattle Railway Company, c/o T. F. Dixon, American Bank Building, Portland 5, Oregon, its successors, lessees and assigns, to construct, equip, maintain and operate industrial spur tracks of standard gauge across N.W. 29th Avenue, 12.5 feet north of N.W. Industrial Street and across N. W. Industrial Street at N.W. 30th Avenue; 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 Spokane, Portland and Seattle Railway Company, its successors, lessees and assigns, (hereinafter referred to as the grantee) to construct, equip, maintain and operate industrial spur tracks of standard gauge across N.W. 29th Avenue, 12.5 feet north of N.W. Industrial Street and across N. W. Industrial Street at N.W. 30th Avenue, in the City of Portland, Multnomah County, Oregon, the center line of said spur tracks so far as it will be located within the street area being more particularly described as follows;

Beginning at a point on the southerly line of N.W. Industrial Street, said point being on the northerly line of Block 6, Industrial Center, and 66.6 feet westerly from the northeast corner of said Block 6 as measured along the northerly line of said Block 6, a tangent to the center line curve at said point makes an angle of $36^{\circ} 16'$ in the northeast quadrant with the northerly line of said Block 6; thence on the arc of a curve to the right, having a radius of 375.9 feet, a distance of 140.4 feet to the northerly line of said N.W. Industrial Street.

Also, beginning at a point on the westerly line of N.W. Twenty-ninth Avenue, said point being 12.5 feet northerly from the northerly line of N.W. Industrial Street as measured along the westerly line of N.W. Twenty-ninth Avenue; thence easterly in a straight line, parallel with and 12.5 feet northerly from the northerly line of said N.W. Industrial Street, a distance of 80.06 feet to a point on the easterly line of said N.W. Twenty-ninth Avenue;

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 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 tracks 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 tracks, 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 Spokane, Portland and Seattle Railway 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 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 tracks 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. 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 the grantee may have a permit covering operations on the said spur tracks without undue 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 MAR 28 1946

Earl Loring
Mayor of the City of Portland

Attest:

Will E. Gibson.
Auditor of the City of Portland

J.O.S.Jr.

D.M.L.

E. S. L.

3-23-46

Commissioner Lee

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THE FOLLOWING IS THE
OFFICIAL VOTE ON THE
FORTHING ORDINANCE

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Filed MAR 30 1946

Will H. Gilman

Auditor of the CITY OF PORTLAND
ELBERT G. ROFF

By _____ Deputy