

## ORDINANCE No. 88943

An Ordinance granting a revocable permit to the Northern Pacific Terminal Company of Oregon and the Spokane, Portland & Seattle Railway Company, their successors, lessees and assigns, to construct, equip, maintain and operate an industry spur track and a switching lead in N.W. 15th Ave. from 100 feet south of N.W. Hoyt St. to N.W. Glisan St., and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. That a revocable permit is hereby granted to the Northern Pacific Terminal Company of Oregon and the Spokane, Portland & Seattle Railway Company, their successors, lessees and assigns (hereinafter collectively referred to as the grantee) to construct, equip, maintain and operate an industry spur track and a switching lead of standard gauge in N.W. 15th Ave. between 100 feet south of N.W. Hoyt St. and N.W. Glisan St. in the City of Portland, Multnomah County, Oregon, the center lines of said spur tracks being more particularly described as follows:

For Spur Track

Beginning at a point 100 feet south of and 17.5 feet west of the northwesterly corner of Block 99, Couch's Addition, the said point being on the center line and at the end of an existing spur track serving Lots 6 and 7 of said Block 99, and authorized by Ordinance No. 19344, thence southerly 100 feet to a point opposite and 17.0 feet westerly from, measured at right angles to the west line of Block 99, the southwesterly corner of said Block 99. The center line of the extension shall reach a distance of 17.0 feet westerly from the west line of Block 99 in not more than 50.0 feet of the length, measured from the beginning, of the proposed extension.

For Switching Lead

Starting at a point 100.0 feet south of and 30.0 feet west of the northwesterly corner of Block 99, Couch's Addition, said point being on the center line and at the end of the existing switching lead authorized by Ordinance No. 19344, thence southerly 100.0 feet to the north line of N.W. Glisan St. and 30.0 feet westerly from the west line of said Block 99.

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

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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 other wise 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 catch basins, 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, switch 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 crossties, 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 and switch 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.

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Section 5. The permit granted 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 connecting 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 effected 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. The grantee, its successors and assigns, hereby agree and covenant to indemnify and save harmless the City of Portland, its officers and employees, against all damages, costs and expenses whatsoever to which it or they may be subject in consequence of any act or neglect of said grantee, its successors or assigns, their agents or servants, in any manner arising from the rights and privileges hereby permitted.

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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 the grantee may have a permit covering operations on the said spur track 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 17 1949

*Arthur M. Gullough, Sr.*  
Mayor of the City of Portland

Attest:

*Will Gibbons*

Auditor of the City of Portland

Calendar No. 1335

# ORDINANCE No. 88913

Title

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Thursday

### THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Bean	/	
Bowes	/	
Cooper	/	
Peterson	/	
Lec	/	

### FOUR-FIFTHS CALENDAR

Bean	
Bowes	
Cooper	
Peterson	
Lec	

Filed..... MAR 21 1949

*Will Sibson*  
Auditor of the CITY OF PORTLAND

By..... FERRIS G. ROFF  
Deputy

INTRODUCED BY  
**Fred L. Peterson**

DRAWN BY  
GJL ohv  
Date March 11, 1949

NOTED BY THE COMMISSIONER

Affairs \_\_\_\_\_

Finance \_\_\_\_\_

Safety \_\_\_\_\_

Utilities FLP

Works \_\_\_\_\_

City Attorney \_\_\_\_\_

NOTED FOR CITY AUDITOR  
RST

APPROVED

Date 3/11/49

By I G Apperson  
Chief Civil Engineer

Date March 11, 1949

By Ben S Morrow  
City Engineer