



EXHIBIT A

at the expense of Comm. Public Works

THE INTERMEDIATE PARKING UTILITIES CO.
 SPUR TRACKS OFF WEST SIDE ROAD
 TO BE LOCATED AND CONSTRUCTED
 UNDER THE DIRECTION OF THE

DATE: 11-28-1960

by No. 5 S.P. 58 M.

Legend -

Red lines and numbers

Black lines and numbers

at the expense of Comm. Public Works

ORDINANCE No. 92198

An Ordinance granting a revocable permit to Northern Pacific Terminal Company of Oregon, its successors, lessees and assigns, c/o Pondergrass, Spackman & Sullivant, Pacific Building, Portland 4, Oregon, to construct, equip, maintain and operate an extension of a lead track designated as Track No. 100 and five spur tracks leading from said lead track in N.W. Front Avenue between N.W. 19th Avenue and N.W. Nicolai Street, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. That a revocable permit is hereby granted to Northern Pacific Terminal Company of Oregon, its successors, lessees and assigns (hereinafter referred to as the grantee) to construct, equip, maintain and operate an extension of a present lead track designated as Track No. 100 in N.W. Front Avenue between N.W. 19th Avenue and N.W. Nicolai Street, in the City of Portland, Multnomah County, Oregon, and five spur tracks branching from said lead track in said portion of N.W. Front Avenue, said lead track and spurs to be of standard gauge, the center lines of said track and spurs so far as they will be located within street area being more particularly described as follows: The existing Northern Pacific Terminal Company lead track No. 100 as authorized by Ordinance No. 41413 runs in a northwesterly direction parallel to and 10 feet northerly from the southerly line of N.W. Front Avenue. The stationing of said track No. 100 at the intersection of the track with the center line of N.W. 19th Avenue produced is 30/61.61. This will constitute the street line ties of all the new tracks herein authorized as follows:

Extension of Lead Track No. 100

Beginning at the present end of Track No. 100 at Station 34/53.60, thence continuing in a northwesterly direction parallel to and 10 feet northerly from the southerly line of N.W. Front Avenue a distance of 892.22 feet to Station 43/45.82 to a point to be considered as the end of Track No. 100, said point also representing the beginning of spur track designated as City Dock Track No. 10.

Spur Track Designated as City Dock Track No. 6

Beginning at a point at the center line of Track No. 100 at Station 31/06.27 and facing in a northwesterly direction, said point being the point of switch of spur track designated City Dock Track No. 6, thence through a No. 7 turnout containing an angle of 8 degrees 10 minutes

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71.52 feet to the B.C. of a 179.99 foot radius curve to the right, thence on said curve 133.28 feet through an angle of 42 degrees 25 minutes 38 seconds to a point on the northerly line of N.W. Front Avenue.

Spur Track to be Designated as City Dock Track No. 7

Beginning at a point on the center line of Track No. 100 at Station 33/53.71 and facing in a northwesterly direction, said point being the point of switch of spur track to be designated City Dock Track No. 7, thence through a No. 7 turnout containing an angle of 8 degrees 10 minutes 71.52 feet to the B.C. of a 179.99 foot radius curve to the right, thence on said curve 133.28 feet through an angle of 42 degrees 25 minutes 38 seconds to a point on the northerly line of N.W. Front Avenue.

Spur Track to be Designated as City Dock Track No. 8

Beginning at a point on the center line of Track No. 100 at Station 38/85.14 and facing in a northwesterly direction, said point being the point of switch of spur track to be designated City Dock Track No. 8, thence through a No. 7 turnout to the right containing an angle of 8 degrees 10 minutes 71.52 feet to the B.C. of a 179.99 foot radius curve to the right, thence on said curve 133.28 feet through an angle of 42 degrees 25 minutes 38 seconds to a point on the northerly line of N.W. Front Avenue.

Spur Track to be Designated as City Dock Track No. 9

Beginning at a point on the center line of Track No. 100 at Station 42/98.51 and facing in a southeasterly direction, said point being the point of switch of spur track to be designated City Dock Track No. 9, thence through a No. 7 turnout containing an angle of 8 degrees 10 minutes 68.71 feet to the B.C. of a 220-foot radius curve to the right, thence on said curve approximately 26 feet to the easterly line of N.W. 21st Avenue.

Spur Track to be Designated as City Dock Track No. 10

Beginning at a point on the center line of Track No. 100 at Station 43/45.82 which point is considered to be the end of Track No. 100 and the beginning of spur track to be designated as City Dock Track No. 10, though the track runs continuous at this location, thence and facing a northwesterly direction on a curve to the right having a radius of 218.96 feet a distance of 180.10 feet through an angle 47 degrees 7 minutes 30 seconds to a point on the northerly line of N.W. Front Avenue.

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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 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 grantees 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. This permit so granted to the said Northern Pacific Terminal Company of Oregon, 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 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 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. The grantee, its successors and assigns, hereby agrees and covenants 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, its agents or servants, in any manner arising from the rights and privileges herein 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 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, AUG 10 1950

David M. Cullough, Sr.
Mayor of the City of Portland
Attest: *Will Gibson.*

Auditor of the City of Portland

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Title

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THURSDAY

Filed Aug 11 1950

Will Gibson
Auditor of the CITY OF PORTLAND

By R. S. IVEY
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bean		
Bowes	1	
Cooper	1	
Peterson		
Lee		

FOUR FIFTHS CALENDAR	
Bean	
Bowes	
Cooper	
Peterson	
Lee	

INTRODUCED BY
Fred L. Peterson

DRAWN BY
GJL chv
Date **July 27, 1950**

NOTED BY THE COMMISSIONER

Affairs

Finance

Safety

Utilities **FLP**

Works

City Attorney

NOTED FOR CITY AUDITOR
RSI

APPROVED

Date

By *Chief Civil Engineer*

Date

By *City Engineer*