



## ORDINANCE No. 94308

An Ordinance granting a revocable permit to Northern Pacific Terminal Company of Oregon, care of R. R. Bullivant, 1015 Pacific Building, Portland 4, Oregon, its successors, lessees and assigns, to extend, to reconstruct, relocate, equip, maintain and operate an industry spur track of standard gauge in N.W. 13th Avenue between N.W. Quimby Street and the north line of N.W. Raleigh Street, repealing Ordinance No. 84755, 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, its successors, lessees and assigns, (hereinafter referred to as the grantee), to extend, reconstruct, relocate, equip, maintain and operate an industry spur track of standard gauge in N.W. 13th Avenue between N.W. Quimby Street and the north line of N.W. Raleigh Street, in the City of Portland, Multnomah County, Oregon, the center line of said spur track, as far as it will be located within the street area, being more particularly described as follows:

Beginning at a point on the centerline of the track known as "The Northwest 13th Avenue Industrial Switching Lead", constructed under Ordinance #11392, which point is North 121.7 and East 46.3 feet from the Northeast corner of Block 247, Couch's Addition, Portland, Oregon, said point being the Point of Switch of the Spur track now serving said Block 247; thence Southerly 67.8 feet to the Point of Frog of a No. 8 Turnout to the right; thence South 18° 25' West 6.5 feet; thence Southerly on a 30 degree curve to the left, 61.5 feet, to a point East 17.0 feet and South 11.5 feet, more or less, from the Northeast corner of said Block 247; thence South parallel to and 17.0 feet from, when measured at right angles thereto, the West line of Northwest 13th Avenue, to a point 125 feet South of the South line of N.W. Raleigh Street; thence Southerly on a 12 degree curve to the right a distance of 75 feet to the end of the spur.

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 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 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') 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 an 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 The 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 grantees, their 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 grantees; their successors or assigns, their agents or servants, in any manner arising from the rights and privileges hereby permitted.

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Section 11. Ordinance No. 84755, passed by the Council April 14, 1947, and entitled:

"An Ordinance granting a revocable permit to The Northern Pacific Terminal Company of Oregon, c/o R. E. Sullivant, 1015 Pacific Building, Portland 4, Oregon, its successors, lessees and assigns, to reconstruct, relocate, equip, maintain and operate an industry spur track of standard gauge in N.W. 13th Avenue between N.W. Quinby Street and the north line of N.W. Raleigh Street, and declaring an emergency."

is hereby repealed.

Section 12. 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, JUN 1 1951

*Dorothy M. Gullough Lee*  
Mayor of the City of Portland  
*Will Gibson.*

Attest:

Auditor of the City of Portland

Calendar No. 2722

ORDINANCE No. 94368

Title

An Ordinance granting a revocable permit to Northern Pacific Terminal Company of Oregon, care of R. R. Bullivant, 1015 Pacific Building, Portland 4, Oregon, its successors, lessees and assigns, to extend, to reconstruct, relocate, equip, maintain and operate an industry spur track of standard gauge in N.W. 13th Avenue between N.W. Quimby Street and the north line of N.W. Raleigh Street, repealing Ordinance No. 84755, and declaring an emergency.

THURSDAY

Filed JUN 4 1951

*Will Gibson*  
Auditor of the CITY OF PORTLAND

By ROBT L. McCOY  
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:

|          | Yeas | Nays |
|----------|------|------|
| Bean     | 1    |      |
| Bennett  | 1    |      |
| Bowes    | 1    |      |
| Peterson | 1    |      |
| Lee      | 1    |      |

FOUR-FIFTHS CALENDAR

|          |  |
|----------|--|
| Bean     |  |
| Bennett  |  |
| Bowes    |  |
| Peterson |  |
| Lee      |  |

INTRODUCED BY

Commissioner Peterson

DRAWN BY

GJL:fjn

Date 5-21-51

NOTED BY THE COMMISSIONER

Affairs

Finance

Safety

Utilities FLP

Works

City Attorney

NOTED FOR CITY AUDITOR

RSI

JHL

APPROVED

Date

By

Chief Civil Engineer

Date 5-22-51

By L. G. APPERSON

City Engineer