

010-3550

99942

S E THIRD

HAWTHORNE AVE.

CLAY ST.

S. MARKET ST.

ROGERS & CONTRACTORS  
MACHINERY COMPANY

39

NEEDED FOR  
REPAIRS  
BY  
ROGERS & CONTRACTORS  
MACHINERY COMPANY

40

CASEY CO.

J. J. CASE CO.

2ND AVE.

2ND AVE.

HAWTHORNE

Right 10 ft Track & Truss

PS 91426

W. M. WADE & CO.

21

CLAY

CENTRAL FLOURING MILLS CO.

FIRST

S. E.

S. E.

20

WATER

APPROVED

JAN 27 1954

By *D. G. Johnson*  
City Engineer  
Reg. Prof. Engr. 219

OREGON WASH. R. & NAVIGATION CO.  
UNION PACIFIC R. R. CO. (LESSEE)  
EAST PORTLAND, ORE.

Spur track serving W. R. Tompkins Bldg., shown . . . . .RED

DIVN. ENGR. OFF.  
SCALE 1" = 100'

ALBINA, OREGON  
Sept. 21, 1953

## ORDINANCE No. 99912

An Ordinance granting a revocable permit to Oregon-Washington Railroad & Navigation Company, and its lessee, Union Pacific Railroad Company, their successors, lessees and assigns, to reconstruct an industry spur track in S.E. 2nd Avenue between S.E. Hawthorne Boulevard and S.E. Market Street, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. It appearing to the Council that the Union Pacific Railroad Company has, through its General Manager, E. H. Bailey, applied for permission to reconstruct a portion of the industry spur track on S.E. 2nd Avenue for which the original construction permit was granted by Ordinance No. 11111, passed by the Council January 18, 1899, this reconstruction to consist in removing an existing open wooden trestle and replacing same with an earth fill, and shortening the 404 foot spur now existing between S.E. Hawthorne Boulevard and S.E. Market Street, as shown on the attached plan marked "Exhibit A"; now, therefore, a revocable permit is hereby granted to the Oregon-Washington Railroad & Navigation Company, and its lessee, Union Pacific Railroad Company, their successors, lessees and assigns (hereinafter collectively referred to as the grantee) to reconstruct, equip, maintain and operate an industry spur track in S.E. 2nd Avenue between S.E. Hawthorne Boulevard and S.E. Market Street, the center line of said spur being more particularly described as follows:

Beginning at a point on the centerline of Oregon-Washington Railroad & Navigation Company's industrial lead Track No. 306 as now constructed and operated, that is fifty-seven and eight tenths (57.8) feet north of the north line of S.E. Market Street;

Thence northeasterly through a number six (6) turnout to the right, having a frog angle of nine degrees and thirty-two minutes ( $9^{\circ}32'$ ), a distance of sixty-three and five tenths (63.5) feet;

Thence on a curve to the right, having a radius of three hundred forty-one and six tenths (341.6) feet, a distance of thirty-two and eight tenths (32.8) feet;

Thence on a curve to the left, having a radius of three hundred forty-one and six tenths (341.6) feet, a distance of eighty-nine and four tenths (89.4) feet;

Thence north on a straight line tangent to last above described curve, a distance of one hundred ninety-eight and three tenths (198.3) feet, to the end of the track;

## ORDINANCE No. 99942

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 of the above-mentioned track 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 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 track 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 grantee by this ordinance shall not in any manner interfere with or pre-

## ORDINANCE No. 99912

vent 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 the 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, lessees 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, lessees or assigns, its agents or servants in any manner arising from the rights and privileges herein permitted.

Section 11. The grantee shall reconstruct the spur track herein authorized according to grades furnished by the City Engineer, said construction to be performed as soon as practicable after the date of this ordinance. Failure to reconstruct the said spur within one year from the date hereof, shall render this permit null and void.

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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, FEB 11 1954

*Fred L. Peterson*

Mayor of the City of Portland

Attest:

*Will Gibson*

Auditor of the City of Portland

Calendar No. 602

ORDINANCE No. 99912

Title

An Ordinance granting a revocable permit to Oregon-Washington Railroad & Navigation Company, and its lessee, Union Pacific Railroad Company, their successors, lessees and assigns, to re-construct an industry spur track in S.E. 2nd Avenue between S.E. Hawthorne Boulevard and S.E. Market Street, and declaring an emergency.

THURSDAY

Filed..... FEB 5 - 1954

*Will Gibson.*  
Auditor of the CITY OF PORTLAND

By..... R. S. IVEY  
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bean	/	
Boody	/	
Bowes	/	
Earl	/	
Peterson	/	

FOUR-FIFTHS CALENDAR	
Bean	
Boody	
Bowes	
Earl	
Peterson	

INTRODUCED BY  
Wm. A. Bowes

DRAWN BY  
HBG chv  
Date January 22, 1954

NOTED BY THE COMMISSIONER	
Affairs	
Finance	
Safety	
Utilities	
Works	WAB

City Attorney

NOTED FOR CITY AUDITOR	
	RSI
	JHL

APPROVED	
Date	2-1-54
By	L. G. Apperson City Engineer
Date	
By	