

RECEIVED
ORDINANCE ACCEPTANCE

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WILL GIBSON, AUDITOR
CITY OF PORTLAND, ORE.
CITY OF PORTLAND, ORE.

Portland, Oregon, May 27 1955

WILL GIBSON,
Auditor of the City of Portland,
Room 202, City Hall
Portland 4, Oregon
Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 102132, passed by the City Council May 26, 1955 granting a revocable permit to the Port of Portland, c/o John J. Winn, Manager, Swan Island, Oregon, to construct, equip, maintain and operate an industry spur track of standard gauge in N. Going Street approximately 3300 feet west of N. Greeley Avenue, and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

[CORPORATE SEAL]

THE PORT OF PORTLAND
*
By *John J. Winn*
President

Swan Island
Address

Approved as to form:

Alexander H. Brown
City Attorney

Approved
John J. Winn
General Manager

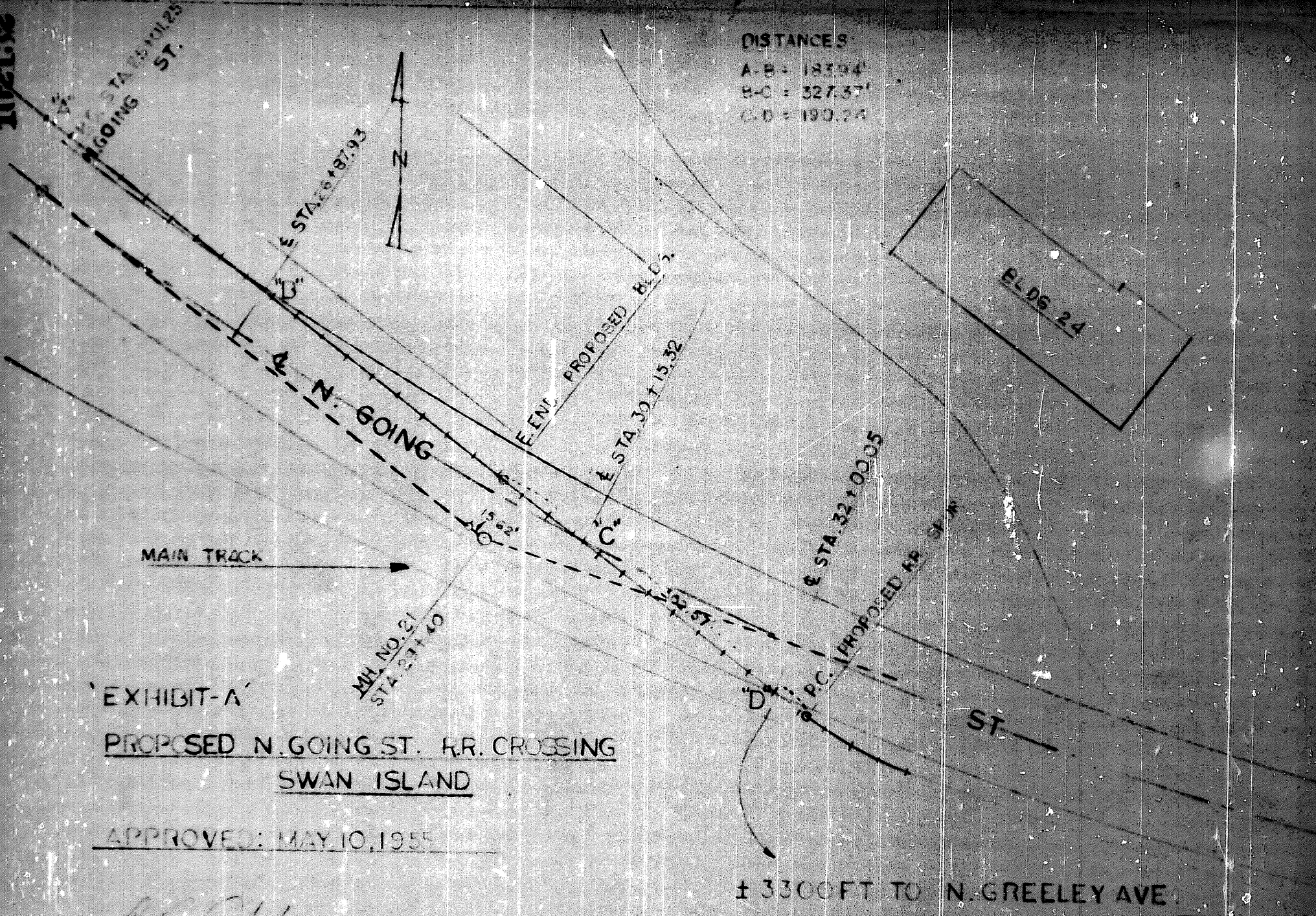
*When an Acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

APPROVED AS TO FORM
John J. Winn
of Counsel for The Port of Portland

102132

DISTANCES

A-B = 183.94'
B-C = 327.37'
C-D = 190.24'



'EXHIBIT-A'
PROPOSED N. GOING ST. R.R. CROSSING
SWAN ISLAND

APPROVED: MAY 10, 1955

A. B. Johnson
 CITY ENGINEER - REG. PROF. ENG. NO. 219

± 3300 FT TO N. GREELEY AVE

ORDINANCE No. 102132

An ordinance granting a revocable permit to the Port of Portland, c/o John J. Winn, Manager, Swan Island, Oregon, to construct, equip, maintain and operate an industry spur track of standard gauge in N. Going Street approximately 3300 feet west of N. Greeley Avenue, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. That a revocable permit is hereby granted to the Port of Portland (hereinafter referred to as the grantee) to construct, equip, maintain and operate an industry spur track in N. Going Street approximately 3300 feet west of N. Greeley Avenue in the City of Portland, Multnomah County, Oregon, the center line of said spur to be more particularly described as follows:

Beginning at a point on the southerly line of N. Going Street, as dedicated and accepted by the Council of the City of Portland by Ordinance No. 99361 passed by the Council October 21, 1953, which point is 1324.96 feet west of and 2032.03 feet south of the northeast corner of Section 20, Township 1 North, Range 1 East of the Willamette Meridian, the intersection of the southerly line of N. Going Street and the center line of an industrial spur track being brought from the main line of the Port of Portland Swan Island Railroad, said point being designated on the attached map by the letter "D" and Engineer's Station 32/00.05; thence N 52° 33' 30" W a distance of 517.61 feet to a point which is the intersection of said industrial spur track and the northerly line of N. Going Street, said point being designated on the attached map by the letter "B" and Engineer's Station 26/87.93, and being 1735.93 feet west of and 1717.34 feet south of the northeast corner of said Section 20, Township 1 North, Range 1 East of the Willamette Meridian;

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.

ORDINANCE No. 102132

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, switches and appurtenances, the equitable amount of such cost 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 and switches 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. 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 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

ORDINANCE No. 102132

by the said connecting 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 any licenses or permits required by any existing ordinances for any operation or construction carried on under the permit hereby granted.

Section 9. This 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 hereby agrees and covenants to indemnify and save harmless the City of Portland, its officers and employes, against all damages, costs and expenses whatsoever to which it may be subject in consequence of any act or neglect of said grantee in any manner arising from the rights and privileges hereby permitted.

Section 11. The grantee agrees at its expense to take up, remove, relocate or modify the spur track placed pursuant to this permit, together with the appurtenances thereto, when in the opinion of the City Engineer it is necessary that such be done in order to repair, maintain, remove, replace, relocate or supplement the sewer line and sewer facilities now located and existing in N. Going Street approximately 125 feet northerly along the spur track from Station 32+00.05. The grantee in performing any of the above acts under this section shall use that degree of care and that standard of workmanship required for the original construction of said spur track and Sections 3 (maintenance of roadway) and 10 (indemnity clause) of this permit shall apply.

ORDINANCE No. 102132

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, MAY 26 1955


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No. 2293

ORDINANCE No. 102132

Title

An Ordinance granting a revocable permit to the Port of Portland, c/o John J. Winn, Manager, Swan Island, Oregon, to construct, equip, maintain and operate an industry spur track of standard gauge in N. Going Street approximately 3300 feet west of N. Greeley Avenue, and declaring an emergency.

THURSDAY

Filed... **MAY 16 1955**

Will Gibson
Auditor of the CITY OF PORTLAND

By *R. S. Jacy*
Deputy

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

| FOUR-FIFTHS CALENDAR | |
|----------------------|--|
| Bean | |
| Boody | |
| Bowes | |
| Earl | |
| Peterson | |

INTRODUCED BY
Nathan A. Boody

DRAWN BY
HBG chv
Date May 10, 1955

NOTED BY THE COMMISSIONER

Affairs

Finance

Safety

Utilities

~~Public Works~~

[Handwritten signature]

City Attorney

NOTED FOR CITY AUDITOR
[Handwritten signature]

APPROVED

Date 5-11-55

By *R. G. Johnson*
City Engineer

Date

By