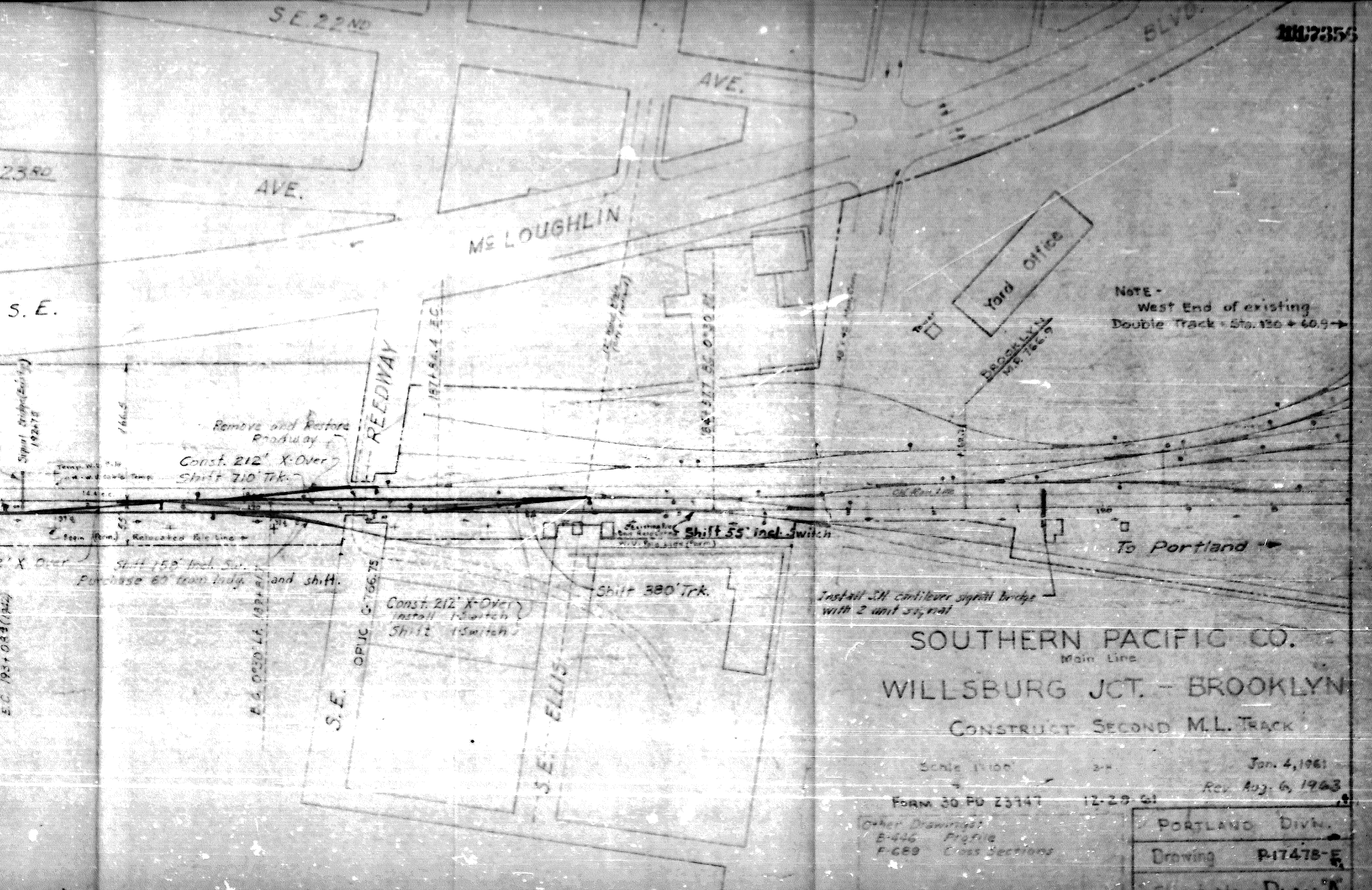


1007356



NOTE -
 West End of existing
 Double Track - Sta. 120 + 60.9 →

To Portland →

SOUTHERN PACIFIC CO.
 Main Line
 WILLSBURG JCT. - BROOKLYN
 CONSTRUCT SECOND M.L. TRACK

Scale 1" = 100' 3/4
 Jan. 4, 1961
 Rev. Aug. 6, 1963

Form 30 PD 23747 12-29-61

Other Drawings:
 E-426 Profile
 F-689 Cross Sections

Portland Divn.
Drawing P1747B-E
Sheet No. PLAN A

GMO-69706

SE. 23RD.

BLVD

S.E. GLEN-

WOOD ST.

S.E. 24TH. AVE.

DPUC 27663-A

Signal Cable on Poles

Temp. W. Cable on Sig. Poles

Form. W.D. Trench
300 Aerial Cable
under viaduct

56' dia" Corr. Pipe - 25' dia" to
Pipe Under Roadway Lower Easted 20'

BYBEE DIXIE

Install 12' Corr. I.P. 24' dia.
Connect to M.H.

Change
Extern

GOLF

S.E.

U.S. 99 E.

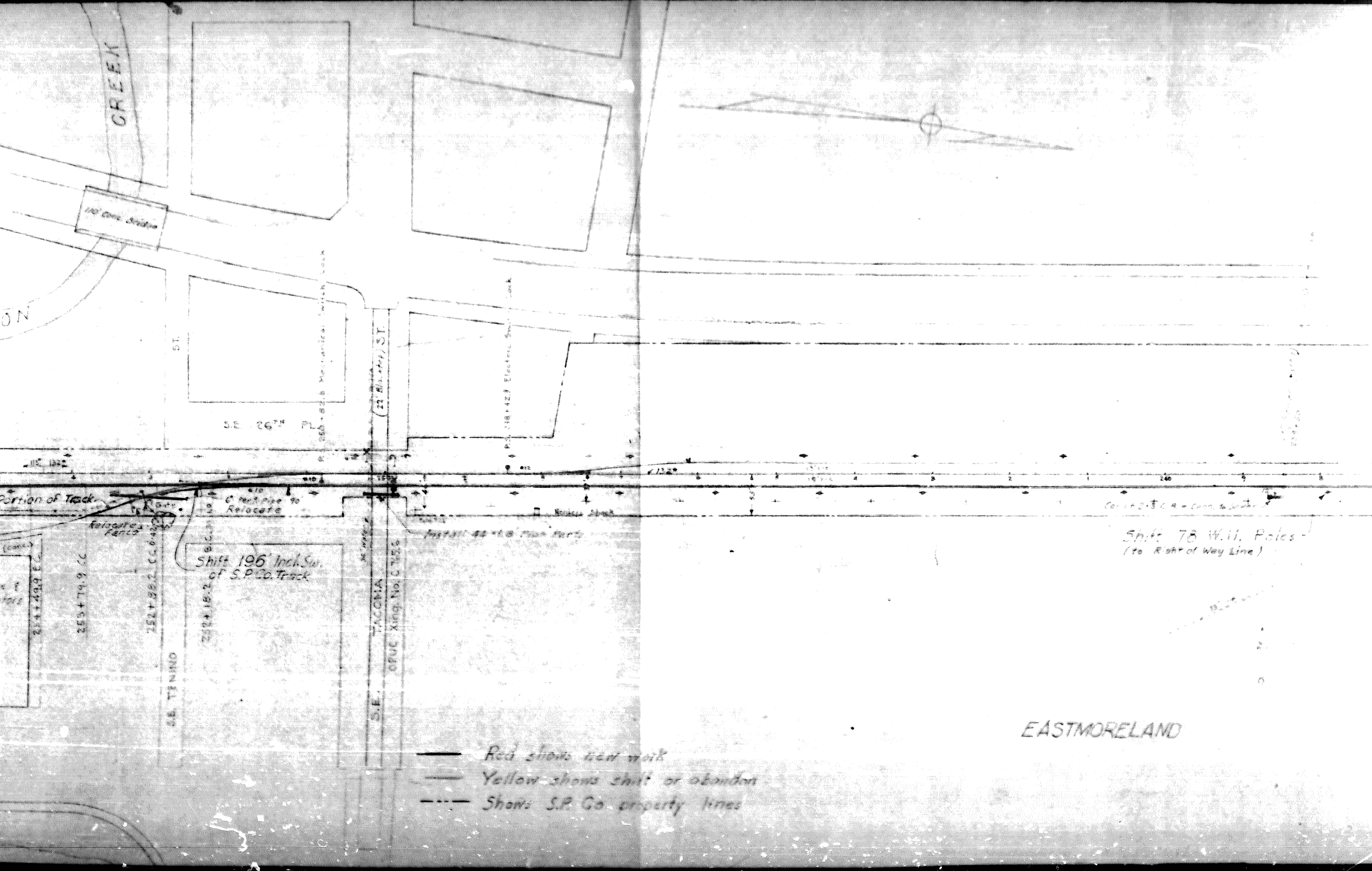
□ 766'

+ 142

Extend Culvert

Construct 9622 Tr. Ft. New Main Line
(Sta. 189+41 to 264+63)

Culv. 766.03
96" X 30" C.I.P.



CREEK

10' One Siding

ST.

(21' Abandon) ST.

S.E. 267th Pl.

250+82.8 Mechanical Switch Lock

P.S. 218+42.7 Electric Switch Lock

Portion of Track

Shift 196' Inch Sw. of S.P. Co. Track

Center of 2.5' C.A. = Conn. to Siding

Shift 78 W.U. Poles (to Right of Way Line)

S.E. YENING

TACOMA
OFUC Xing No. C.T.R.S.

EASTMORELAND

- Red shows new work
- Yellow shows shift or abandon
- - - Shows S.P. Co. property lines

Sta. PA. 271+38.2
WILLSBURG JT.
M.P. 765.2

160+771 M.P. 740.747 M. ST.
372+541 M.P. 765.075 M.L.

To Tillamook

To San Francisco

$\Delta = 1^{\circ} 29'$
 $D = 0^{\circ} 30' R$
 $B = 0.5$
 $T = 146.7$

Install 14 Power Switch

Install 1'X1'X30"
Cros. Box

765

YARD LIMIT
M.P. 765.01

MALCOLM

ROYD

ROSWELL

48th

Temp. New Code on Signal Posts 76004

Shift 430 track

75' Sewer Line

Spring Switch

281+13.8 E.C.
281+48.8 C.C.
286+00.5 C.C.
285+00.5 B.C.

$\Delta = 1^{\circ} 20'$
 $D = 0^{\circ} 30' L$
 $B = 0.5$
 $T = 146.7$

$\Delta = 2^{\circ} 35'$
 $D = 2^{\circ} 14'$
 $T = 65.9$

Call 765.13
1'X2'X36" Cros. Box

AUG. 50-25-640
7-62-2M

1944

ACCEPTANCE

Portland, Oregon, ... September 13, 1944

RAY SMITH
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. 117356 granting a revocable permit to the Southern Pacific Company to construct, own, maintain, equip, operate or cause to be operated, renew and reconstruct, an additional main line railroad track of standard gauge, across S. E. Reedway, S. E. Bybee Boulevard and S. E. Tacoma Street, within the City of Portland, on certain terms and conditions.

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,
Southern Pacific Company

By: *[Signature]*

[CORPORATE SEAL]

Asst. Vice President

~~Southern Pacific Company~~
65 Market Street
San Francisco 5, California

Address

Approved as to form:

[Signature]

CHIEF DEPUTY City Attorney

*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.

ORDINANCE NO. 117356

An Ordinance granting a revocable permit to the Southern Pacific Company to construct, own, maintain, equip, operate or cause to be operated, renew and reconstruct, an additional main line railroad track of standard gauge, across S.E. Reedway, S.E. Bybee Boulevard and S.E. Tacoma Street, within the City of Portland, on certain terms and conditions.

The City of Portland ordains:

Section 1. REVOCABLE PERMIT GRANTED. The Council finds that Southern Pacific Company now owns, maintains and operates a single main line of railroad track of standard gauge with switches, turnouts, cross-overs, sidings and connections between Willsburg Junction and its Brooklyn Yard in Portland, Oregon, which said main line track is located upon right of way belonging to said Southern Pacific Company, and along and across certain streets; that Southern Pacific Company desires to install and construct an additional main line railroad track of standard gauge to be located with and adjacent to said existing main line railroad track together with switches, turnouts, cross-overs and connections extending at grade, upon and across certain streets between the points above mentioned; that grant of franchise would take considerable time and said Company desires to construct said additional main line track immediately to care for the transportation needs of the public; that installation of an additional main line track in said area lying easterly from S.E. McLoughlin Boulevard is in accordance with the decree entered in the case of Southern Pacific Company v. City of Portland et al., in the United States District Court for the District of Oregon, Civil No. 6,662; now, therefore, there is hereby granted to Southern Pacific Company, a corporation, a revocable permit to construct, own, maintain, equip, operate or cause to be operated, renew and reconstruct an additional main line railroad track of standard gauge, in the City of Portland, Multnomah County, Oregon, insofar as said tracks will be located within the street area between Willsburg Junction and Brooklyn Yard of said Company crossing S.E. Tacoma Street, S.E. Bybee Boulevard and S.E. Reedway as shown on Drawing P-17478-F, attached hereto and hereby made a part hereof, subject to the terms and provisions contained in this ordinance.

Section 2. CHARTER PROVISIONS APPLY. This grant is made subject to all of the applicable provisions of the Charter of the City of Portland, and the grantee herein shall be bound by each and every provision of said Charter insofar as the same may be applicable to such grant, as though such provisions were herein expressly written and made a part hereof.

Section 3. TRANSFER. This permit shall apply to, inure to, and bind the grantee herein, its successors, assigns and lessees, provided, however, that this permit shall not be assigned or its privileges sublet, nor shall any of the rights or privileges hereby granted or authorized be further leased or be assigned, sold or transferred without the consent of the City, expressed by ordinance.

Section 4. COMMON USER. The rights and privileges granted by this ordinance are upon the condition that the grantee, its successors, assigns and lessees, shall allow any other railroad company to use in common with it the same track or tracks constructed hereunder throughout their entire length between the extreme limits for which the permit is granted, including any private right of ways which intervene, upon obtaining the consent of the Council, expressed by ordinance prescribing the regulations for such use and the compensation therefor, each paying an equitable and proper proportion of the construction, maintenance and repair of the tracks and appurtenances and any private right of ways used by such railroad companies jointly, such proportion to be agreed upon by and between the grantee and said user, or fixed by the Council, subject to judicial review.

The rights and privileges granted by this ordinance are upon the condition that the grantee, its successors, assigns, and lessees, shall allow the City of Portland, for the purpose of a municipal, commercial railroad belt line, if and when the City shall construct, maintain or operate such belt line, to use, in common with the grantee, its successors, assigns and lessees, any tracks (main, side or spur), or any part thereof, that may be constructed, maintained or operated after the taking effect of this ordinance and by the authority granted herein, as well as any tracks (main, side or spur), or any part thereof, upon the private right of ways of the grantee, its successors, assigns and lessees, which may intervene between the extreme limits for which this permit is granted, so as to make a continuous usable route over the tracks constructed, maintained and operated by authority of this ordinance between the extreme limits for which this permit is granted, provided, nevertheless, that the City shall make fair and adequate compensation therefor.

Whenever by the terms of this ordinance the grantee, its successors, assigns or lessees are permitted to maintain and operate railroad track or tracks in, over, along and upon any public place, street or part of street wherever any other corporation now has a railway track or tracks, the grantee and such other corporation may agree to use in common such track or tracks and the appurtenances thereof. As to any

and all tracks now or hereafter laid by any corporation upon any public place, street or part of street covered by this ordinance, upon which said tracks the City of Portland has the power to give and grant the right and privilege of using the same in common with any other corporation, the consent of the City of Portland is hereby given to use any and all such tracks in common.

Whenever any track or any part thereof constructed, operated or maintained by authority of this ordinance, is used by the City of Portland or by any railroad company other than the grantee, its successors, assigns and lessees, the City of Portland and each railroad company so using the same shall pay an equitable and proper portion of the cost for the construction, maintenance, repair and operation of the tracks and appurtenances, and any private right of way used by such railroad companies or City jointly with the grantee, its successors, assigns and lessees. Railroad companies or the City operating locomotives, trains or cars by electric power, shall erect and maintain poles and wires or provide underground conduits for such electric service, and bond the rails for operating by electric power, without cost or expense to the grantee, its successors, assigns and lessees, unless the grantee join in the use thereof, in which event each railroad company and the City using the electric power shall pay a proper and equitable proportion of the cost for the erection and maintenance of such poles and wires or underground conduits and wires, bonding of rails and electric current consumed. In case the grantee, its successors, assigns and lessees are unable to agree with such other railroad companies or the City upon the equitable and proper apportionment of the cost of construction, maintenance, repair and operation of said tracks and appurtenances and any private right of way or of said electrification facilities, the Council may determine same, subject to judicial review. The failure of such parties to agree shall not deprive the grantee of any right or privilege granted by this ordinance.

Section 5. PLANS, SPECIFICATIONS AND CONSTRUCTION. All plans and specifications for all work authorized by this ordinance when prepared shall be submitted to the City Engineer for his approval, and no such work shall be undertaken without the approval and permit of the City Engineer, and all work of constructing, reconstructing, removing or replacing of tracks or pavement or of erecting, laying or maintaining poles, conduits and cables shall be subject to inspection and approval by the City Engineer. Whenever the grantee shall disturb any of the streets, alleys avenues and/or public highways or grounds for the purpose mentioned in this section, it shall restore the same to good order and condition as soon as practicable without unnecessary delay, and upon failure to do so the Council and/or the City Engineer shall have the right to fix a time, which shall be reasonable, within which such repairs and restoration shall be completed,

and upon failure of grantee to make such repairs, the City shall have the right to make or cause to be made such repairs, which shall be at the expense of the grantee.

Section 6. STREET REPAIR. During the continuance of this ordinance, the grantee, its successors, assigns and lessees shall keep those portions of the streets and other public places occupied by it pursuant to this permit, as required by the Council, and shall pave, improve or repair and maintain from time to time in the manner and within the time directed by the Council that portion of the street or public place occupied pursuant to this permit, that portion of the street lying between the rails of grantee's tracks and that portion outside the tracks extending one foot (1 ft.) outside of each rail.

Section 7. STREET OBSTRUCTION. For the purpose of laying down, repairing, reconstructing, erecting or replacing railway tracks, poles, conduits, wires and of doing all things or anything authorized, the grantee shall not obstruct any street, for a greater continuous distance than the length of three blocks at any one time, nor for a longer period than two weeks at any one time, excepting that in case of bad weather, strikes, riots, accidents, casualties, delays or defaults of carriers, materialmen or contractors, or judicial interferences or other causes beyond the control of the grantee, the Council may extend such time.

Section 8. PUBLIC IMPROVEMENTS. Nothing in this ordinance shall be construed to prevent the City, through its Council, from constructing or reconstructing any sewer, or from grading, paving, planking, repairing and/or altering any street, alley or avenue, or from constructing or reconstructing any viaduct, viaduct approach, bridge, bridge approach, tunnel or tunnel approach, or from the laying down or repairing of any water main, or from the construction, reconstruction or repair of any other public work by the City. All such work shall be done, if practicable, in such manner as not to obstruct, injure or prevent the free use and operation of the tracks of the grantee, provided, however, that if any of the tracks, poles, wires, cables, appliances, conduits or structures of the grantee authorized hereunder shall be placed in any of the streets, alleys, avenues and/or public places or grounds of the City so as to interfere with the construction, reconstruction or repair of any public work as hereinbefore referred to, all such tracks, poles, wires, cables, appliances, conduits and structures shall be removed, relocated or replaced in such manner as shall be directed by the Council so that the same shall not interfere with said public work of the City, and such removal, relocation and replacement shall be at the expense of the grantee.

Section 9. UTILITY IMPROVEMENTS. Nothing in this ordinance shall be construed to prevent any private utility, operating under a franchise or permit granted by the City, from constructing, altering, repairing or maintaining its facilities, such as pole lines, duct lines or pipe lines for gas or other utility service. All such work shall be done, if practicable, in such manner as not to obstruct, injure or prevent the free use and operation of the tracks of the grantee, provided, however, that if any of the tracks, poles, wires, cables, appliances, conduits or structures of the grantee shall be placed in any of the streets, alleys, avenues and/or public places or grounds of the city so as to directly interfere with the construction of any private utility improvement, whether it be the construction of a pole line, duct line, or pipe line for gas or other utility service, such tracks, poles, wires, cables, appliances, conduits and structures shall be removed or replaced in such manner as shall be approved by the Council so that the same shall not interfere with said private utility improvement, but such removal and replacement shall be at the expense of the private utility requesting same if said matters be not determined pursuant to statute.

Section 10. OVERHEAD AND UNDERGROUND WIRES. Each and all of the terms and provisions presently or hereafter fixed by ordinance concerning overhead and underground wires, shall be applicable to the grantee. The grantee shall not be responsible for any facilities of which it does not make use.

Section 11. GRADE. Each and all of the tracks and appurtenant facilities authorized by and under this ordinance, shall be maintained at the grade at which they were originally constructed, except as specifically allowed by the Council.

Section 12. OPERATING PROVISIONS. The Council reserves the right to require hereafter, by general ordinance, that mechanically or manually operated signals be installed and operated at any point where the Council deems necessary the construction of a street crossing across tracks maintained upon and along a then existing street pursuant to this permit.

Section 13. LIABILITY. The said grantee herein, its successors, assigns and lessees, shall each save and hold harmless the City of Portland, its officers and employes, from any liability for injury or damage arising from any casualty or accident to persons or property due to neglect or omission of the said grantee in connection with the operation of this permit, provided that the City, its officers and employes, shall not be guilty of concurring negligence proximately causing or contributing to such casualty or

accident. The said grantee shall also save and hold harmless the City, and its officers and employes, from any liability for injury or damage to persons or property which may arise from a failure on the part of the City or its officers to compel, supervise or inspect any construction, reconstruction, maintenance or operation of the grantee hereunder, and should suit or action be filed against the City, either separately or jointly with the grantee herein, upon such claims for damage or injury said grantee, upon notice from the City, shall defend the City, either separately or jointly with the grantee in said suit or action, as the City may elect, and the said grantee will pay any judgment for costs that may be rendered against the City, separately or jointly with the said grantee, provided, however, that the provisions of this section shall not be construed to constitute a waiver of the immunity provisions granted to the City by its Charter.

Section 14. FORFEITURE. In the event that the grantee violates or fails to do and perform any of the terms or conditions of this permit, the grantee shall be notified of such failure by written notice from the City Engineer or the Commissioner of Public Utilities. If the grantee shall not promptly correct such violation or failure, then the Council of the City of Portland may declare a forfeiture of this permit and revoke the same with or without previous notice to the grantee.

Section 15. ABANDONMENT. If the grantee, its successors, assigns and lessees, shall abandon, or for one hundred twenty (120) days in succession discontinue use for the purpose aforesaid of the streets or any portion of the streets authorized by this ordinance, then the grantee, its successors, assigns and lessees, unless prevented by state or federal laws or regulatory authority, shall at the request of the City Council promptly remove its tracks and other property from the streets or portions thereof so abandoned or discontinued and upon such removal restore those portions of said street or streets so abandoned or discontinued which under this ordinance are required to be kept in repair by the grantee, its successors, assigns and lessees, so that the same shall be placed in as good condition as at the time of abandonment or discontinuance. Nonuser caused by strikes, legal process, action of the City or other causes beyond the control of the grantee, its successors, assigns or lessees, shall not constitute abandonment or discontinuance of use within the meaning of this section. Nothing contained herein shall be deemed to be a consent on the part of the City to any abandonment.

ORDINANCE No. 117356

Section 16. REVOCATION. The permit hereby granted is revocable as to the whole or as to any part thereof at any time at the pleasure of the Council of the City of Portland, and no expenditure of money hereunder 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 right. Upon revocation of this permit or any part thereof by the Council, the grantee shall within thirty days remove all tracks and appurtenances constructed or maintained under this permit, and shall put those portions of the street affected by such removal in a condition as good as are the adjoining portions of said streets at the time of removal, all work to be done as directed by and to the satisfaction of the City Engineer.

Section 17. MANNER OF GIVING NOTICE. Whenever by the terms of this ordinance notice is required to be given to the grantee it shall be by notice in writing addressed to the principal office of the grantee in the City of Portland, Oregon, and whenever notice is required to be given to the City it shall be in writing addressed to the City and delivered to the office of the Auditor of the City.

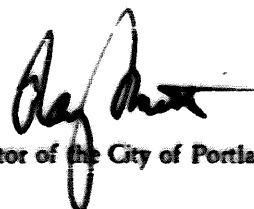
Section 18. ACCEPTANCE. Southern Pacific Company, a corporation, shall within thirty (30) days after the enactment of this ordinance by the Council, file its written and unqualified acceptance of all of the terms, restrictions and conditions contained in this ordinance, in form meeting the approval of the City Attorney and the Council. A failure to file such written acceptance within such time shall render this ordinance and all rights and privileges granted thereunder void as though not enacted by the Council.

Section 19. TERMINATION UPON GRANT OF FRANCHISE. Whenever the City of Portland shall grant a franchise to the Southern Pacific Company, its successors or assigns, covering the additional main line track and appurtenances constructed and maintained by authority of this ordinance, then, automatically this permit shall terminate and be of no further force and effect.

Passed by the Council, **SEP 12 1963**


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No.

3136
~~9050~~

ORDINANCE No. 117356

Title

An Ordinance granting a revocable permit to the Southern Pacific Company to construct, own, maintain, equip, operate or cause to be operated, renew and reconstruct, an additional main line railroad track of standard gauge, across S.E. Reedway, S.E. Bybee Boulevard and S.E. Tacoma Street, within the City of Portland, on certain terms and conditions. (d 2)

THURSDAY

SEP 5 - 1963

Read 1 & 2 & PASSED TO THIRD READING

SEP 12 1963

AUG 29 1963

Filed.....

RAY SMITH

Auditor of the **CITY OF PORTLAND**

By.....

Robert C. Myle
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bean		
Bowes		
Earl		
Grayson	—	
Schrank		

FOUR-FIFTHS CALENDAR	
Bean	
Bowes	
Earl	
Grayson	
Schrank	

INTRODUCED BY
Order of Council

DRAWN BY
MCR:rf
Date August 28, 1963

NOTED BY THE COMMISSIONER
Affairs
Finance
Safety
Utilities
Works

City Attorney	<i>CMR</i>
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NOTED FOR CITY AUDITOR
<i>RIS</i>
<i>Mc</i>

APPROVED	
Date	
By	City Engineer
Date	
By	