

377

ACCEPTANCE

RECEIVED

MAR 24 3 31 PM '66

Portland, Oregon, March 17, 1966

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. 122122 granting a revocable permit to the Portland Terminal Railroad Company, 527 Pacific Building, Portland, Oregon, 97204, to construct, operate and maintain a railroad spur track in N. W. Yeon Avenue, near N. W. 35th Avenue, and declaring an emergency,

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,

PORTLAND TERMINAL RAILROAD COMPANY

[CORPORATE SEAL]

*
By *J. H. Jones*

Room 209 Union Station
Portland, Oregon 97209
Address

Approved as to form:

Alexander G. Brown
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.

APPLICATION FOR A REVOCABLE PERMIT
TO CONSTRUCT SPUR TRACK, ETC.

TO THE COUNCIL:

The undersigned PORTLAND TERMINAL RAILROAD COMPANY,
an Oregon corporation,

hereby petition your honorable body to grant it a
revocable permit to construct a railroad (spur) ~~(station)~~
(~~switch~~) on the following described part of N. W. Yeon
~~Street~~ (Avenue) in the city of Portland,
Oregon.

Beginning at a point in N. W. Yeon Avenue on the center line
of the N. W. Yeon Avenue industry lead track as authorized by
Ordinance No. 66490, said point being 38.98 feet measured westerly
along said track from the intersection thereof with the easterly
line of N. W. 35th Avenue produced, said beginning point being at
the point of switch of the proposed industry spur track; thence
through a #7 turnout to the right containing an angle of $8^{\circ} 10'$
a distance of 72.72 feet; thence on a curve to the right, having
a radius of 262.04 feet, through an angle of $45^{\circ} 25'$ a distance of
206.44 feet to a point on the southerly line of N. W. Yeon Avenue.

There is attached to this application and made a
part hereof the assent in writing of the owners of a
majority part in extent of the lots or tracts of land
fronting on each side of that portion of said ~~street~~
(avenue) on which it is desired to construct said rail-
road (spur) ~~(station)~~ (~~switch~~), together with a plan
drawn to scale upon which is shown the portion of said
~~street~~ (avenue) desired for said use, and the property
lines and ownership of all of the property abutting
upon each side of the portion of said ~~street~~ (avenue)
sought to be subjected to said use.

PORTLAND TERMINAL RAILROAD COMPANY
APPLICANT

BY *J. H. Jones*
Manager

ASSENT OF PROPERTY OWNERS TO
CONSTRUCTION OF SPUR TRACK, ETC.

We, the undersigned, comprising more than 50% of the owners of the property abutting upon the North side of that certain portion of N. W. Yeon Avenue Street (Avenue) in the city of Portland, Oregon; and we, the owners of more than 50% of the property abutting upon the South side of said portion of said ~~street~~ (avenue), and which portion is described as follows:

Beginning at a point in N. W. Yeon Avenue on the center line of the N. W. Yeon Avenue industry lead track as authorized by Ordinance No. 66490, said point being 38.98 feet measured westerly along said track from the intersection thereof with the easterly line of N. W. 35th Avenue produced, said beginning point being at the point of switch of the proposed industry spur track; thence through a #7 turnout to the right containing an angle of $8^{\circ} 10'$ a distance of 72.72 feet; thence on a curve to the right, having a radius of 262.04 feet, through an angle of $45^{\circ} 25'$ a distance of 206.44 feet to a point on the southerly line of N. W. Yeon Avenue.

do hereby assent and agree to the construction of a railway (spur) (~~sidings~~) (~~switch~~) track thereon for such period of time, and upon such terms and conditions as the Council of said city may grant to Portland Terminal Railroad Company

the applicant therefor; provided, that such permit shall at all times be and remain subject to revocation in the sole discretion of the council.

EAST LINE N.W. 35TH
PRODUCED

T.L. 4
SEC. 20 IN. 1E.

INSTALL ZINILETS

VEON AVE INDUSTRIAL LEAD

VEON AVE.

T.L. 80 SEC. 29
IN. 1E.

PROPERTY LINE

NEW WAREHOUSE BUILDING TO BE BUILT BY THE
DAN DAVIS CORP. FOR OCCUPANCY BY THE PHL
TRANSFER AND STORAGE CO.
6000 SQ. FT. STORAGE AREA

LEASED TO
GREAT WESTERN CHEMICAL CO.
DAN DAVIS CORP. OWNER

N.W. 35TH AVE.

PORTLAND TERMINAL RAILROAD CO.
SPUR TRACK FOR DAN DAVIS CORP.
ON 35TH AND VEON AVE.

SCALE 1"=100'
Dwg. 1811
SEPT. 22, 1965
REV. JAN. 21, 1966

S.P. & S. SPUR TRACK SERVING
PHL TRANSFER AND STORAGE CO.

PHL TRANSFER AND STORAGE CO.

ORDINANCE NO.

122122

An Ordinance granting a revocable permit to the Portland Terminal Railroad Company, 527 Pacific Building, Portland, Oregon, 97204, to construct, operate and maintain a railroad spur track in N. W. Yeon Avenue, near N. W. 35th Avenue, and declaring an emergency.

The City of Portland ordains:

Section 1. That a revocable permit be and the said is hereby granted to Portland Terminal Railroad Company, c/o R. R. Bullivant, company legal council, and its successors, lessees and assigns, to construct, equip, operate and maintain an industry spur track in N. W. Yeon Avenue, near N. W. 35th Avenue, entering the southerly side of Yeon Avenue at a point approximately 150 feet easterly of N. W. 35th Avenue and terminating at a point on the northerly side of Yeon Avenue approximately 39 feet westerly of the east line of N. W. 35th Avenue extended 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 railroad tracks, 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, 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 the corss-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 company 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 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.

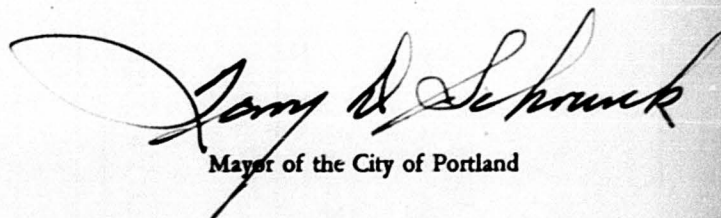
Section 9. This permit hereby granted shall not become effective until there is filed by the grantee with the City Auditor a document satisfactory to the City Attorney accepting the terms and conditions hereof.

ORDINANCE No.

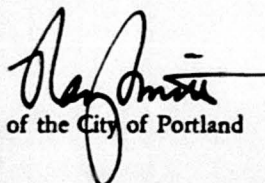
Section 10. The grantee, its successors and assigns, hereby agree and covenant to indemnify and save harmless the City of Portland, its officers and employees, against all damages, costs and expenses whatsoever to which it or they may subject in consequence of any act or neglect of said grantee, its successors or assigns, their agents or servants, in any manner arising from the rights and privileges hereby permitted.

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 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, MAR 17 1966


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No. 1023

ORDINANCE No. 122122

Title

An Ordinance granting a revocable permit to the Portland Terminal Railroad Company, 527 Pacific Building, Portland, Oregon, 97204, to construct, operate and maintain a railroad spur track in N. W. Yeon Avenue, near N. W. 35th Avenue, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Bean	1	
Bowes	1	
Earl	1	
Grayson	1	
Schrunk	1	

FOUR-FIFTHS CALENDAR

Bean	
Bowes	WARB
Earl	SMER
Grayson	MSM
Schrunk	PSK

INTRODUCED BY
Commissioner Bowes

DRAWN BY
WSL:tl

Date 3-11-66

NOTED BY THE COMMISSIONER

- Affairs
 - Finance
 - Safety
 - Utilities
 - Works
- WARB

City Attorney

NOTED FOR CITY AUDITOR

R. C. H.

MC

APPROVED

Date

By *Ray Smith*
RAY SMITH, P. E.
City Engineer

Date

Filed MAR 16 1966

RAY SMITH

Auditor of the CITY OF PORTLAND

By *Robert Kelly*

Deputy

By