

737

RECEIVED
JUN 8 9 29 AM '66
ACCEPTANCE

RAY SMITH, AUDITOR
CITY OF PORTLAND, ORE.

Portland, Oregon, May 27, 1966

BY *[Signature]*

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. 122566 granting a revocable permit to the Great Northern Railway Co. and Portland Terminal Railroad Company to replace 110 feet of an existing wooden sewer flume with a 72-inch concrete sewer pipe so as to permit a fill over such pipe, and extension of yard tracks of said company, in property owned by said railroad company in the Guilds Lake area, between N.W. Yeon and N.W. Front Avenues, approximately 657 feet southeasterly of N.W. Express Avenue, under certain terms and conditions, 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,

[CORPORATE SEAL]

GREAT NORTHERN RAILWAY CO.
By *[Signature]*
* Land and Tax Commissioner
175 East 4th Street

St. Paul, Minnesota

Address

Approved as to form:

[Signature]

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.

RECEIVED ACCEPTANCE

JUN 8 9 29 AM '66

RAY SMITH, AUDITOR
CITY OF PORTLAND, ORE.

Portland, Oregon, May 27, 1966

BY gms

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. 122566 granting a revocable permit to the Great Northern Railway Co. and Portland Terminal Railroad Company to replace 110 feet of an existing wooden sewer flume with a 72-inch concrete sewer pipe so as to permit a fill over such pipe, and extension of yard tracks of said company, in property owned by said railroad company in the Guilds Lake area, between N.W. Yeon and N.W. Front Avenues, approximately 657 feet southeasterly of N.W. Express Avenue, under certain terms and conditions, 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,

[CORPORATE SEAL]

PORTLAND TERMINAL RAILROAD COMPANY

By

*

D. M. Lorentzen
President

Room 209 - Union Station
Portland, Oregon 97209

Address

Approved as to form:

Alexander H. 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.

AP-2630

ORDINANCE NO. 122566

An Ordinance granting a revocable permit to the Great Northern Railway Co. and Portland Terminal Railroad Company to replace 110 feet of an existing wooden sewer flume with a 72-inch concrete sewer pipe so as to permit a fill over such pipe, and extension of yard tracks of said company, in property owned by said railroad company in the Guilds Lake area, between NW Yeon and NW Front Avenues, approximately 657 feet southeasterly of NW Express Avenue, under certain terms and conditions, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that more than 20 years ago there was constructed in the area between NW Yeon and NW Front Avenues a storm sewer consisting of a subsurface line for a part of its length and open wooden flume for the rest of its length to convey storm drainage to the Willamette River; that said sewer was taken over by the City and reconstructed more than 20 years ago and the City now claims ownership and maintains said subsurface drainage line and flume; that the Portland Terminal Railroad Company maintains in its property in this area a railroad yard and now desires to extend certain railroad tracks; that for such purpose it is proposed to replace 110 feet of the existing wooden flume with 110 feet of subsurface sewer line so as to permit earth-fill over such sewer line and the extension of the trackage on such fill area; that such construction and substitution appears to be reasonable since it will be without cost to the City on the basis of certain terms and conditions hereinafter set forth; now, therefore, the Portland Terminal Railroad Company, Room 209 Union Station, Portland, Oregon, 97209, hereby is granted a revocable permit to construct a 72 inch concrete sewer pipe line to replace 110 feet of existing open surface City-owned sewer flume in property owned by said company and described as Tax Lots 35 and 67, Section 19, T1N, R1E, W.M., and Tax Lot 4, Section 20, T1N, R1E, W.M., said tax lots being located between NW Yeon Avenue and NW Front Avenue along the same general alignment as the City's present flume, located approximately 657 feet southeasterly from NW Express Avenue, subject to the following terms and conditions:

a. Construction of said sewer pipe line shall be in accordance with plans approved by the City Engineer, and such construction shall be without cost to the City.

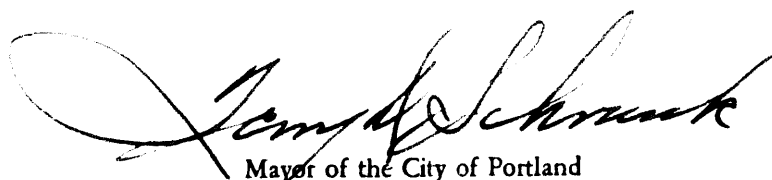
- b. During construction all work shall be inspected by and approved by the Department of Public Works of the City.
- c. The permittee shall hold the City of Portland, the City Engineer, and each and all of its officers, agents and employes free and harmless from any claims for damages to persons or property occasioned by or resulting from the permittee's construction or use of the area under this permit.
- d. Permittee shall obtain any and all permits required by City ordinance and this permit ordinance shall not waive the same, and the permittee shall pay for the cost of all inspections by the City.
- e. During construction the permittee shall preserve an open and unobstructed flow through said pipe line to channel and care for all storm drainage carried by the City-owned flume to the south and to the north of said sewer pipe line permitted hereunder.
- f. In order that the records may be clarified, the permittee shall within 120 days after the effectiveness of this ordinance, execute and deliver to the City in form approved by the City Attorney a deed of easement for sewer purposes 20 feet in width extending along the present alignment of the sewer pipe line used by the City and the existing flume between NW Yeon and NW Front Avenues, containing the usual restriction on building thereover unless the consent of the City Engineer is obtained, and a bill of sale to all subsurface pipes and surface flumes owned or claimed by permittee between NW Yeon and the southerly boundary of the Northern Pacific Railway Co. right of way.
- g. It is expressly understood that this permit is revocable at any time by the Council and that nothing herein contained and no expenditure of money, lapse of time or any other thing shall be deemed to grant any vested right under the terms of this ordinance.

ORDINANCE No.

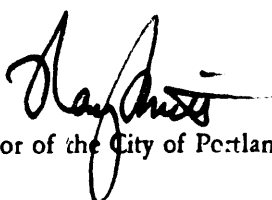
Section 2. This ordinance shall be of no force or effect until the permittee has filed with the City Auditor a written acceptance of the terms hereof in form approved by the City Attorney.

Section 3. 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 railroad facilities to serve the public may appropriately be extended so as to provide better service without delay; therefore, an emergency hereby is 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 1966


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No. 2117

ORDINANCE No. 122566

Title

An Ordinance granting a revocable permit to the Great Northern Railway Co. and Portland Terminal Railroad Company to replace 110 feet of an existing wooden sewer flume with a 72-inch concrete sewer pipe so as to permit a fill over such pipe, and extension of yard tracks of said company, in property owned by said railroad company in the Guilds Lake area, between NW Yeon and NW Front Avenues, approximately 657 feet southeasterly of NW Express Avenue, under certain terms and conditions, and declaring an emergency.

THURSDAY

Filed... MAY 20 1966

RAY SMITH Auditor of the CITY OF PORTLAND

By Robert [Signature] Deputy

Table with 3 columns: Commissioner Name, Yeas, Nays. Rows include Bean, Bowes, Earl, Grayson, and Schrunk, all with a '1' in the Yeas column.

Table with 2 columns: Commissioner Name, and an empty column. Rows include Bean, Bowes, Earl, Grayson, and Schrunk.

INTRODUCED BY Commissioner Bowes

DRAWN BY MCR:jw Date May 20, 1966

NOTED BY THE COMMISSIONER Affairs Finance Safety Utilities Works WAB

City Attorney [Signature]

NOTED FOR CITY AUDITOR [Signatures]

APPROVED Date By City Engineer Date By