

Ordinance No. 72636

An Ordinance granting a revocable permit to the Spokane-Portland & Seattle Railway Company and the Northern Pacific Terminal Company of Oregon, c/o Jas. G. Wilson, 508 Platt Building, their successors, lessees and assigns, to construct, equip, maintain and operate an industry spur track of standard gauge in the westerly side of N. W. 15th Avenue from a point 4.5 feet north of the north line of N. W. Thurman Street to the north line of N. W. Savier Street, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. That a revocable permit be and the same is hereby granted to the Spokane-Portland & Seattle Railway Company and the Northern Pacific Terminal Company of Oregon, their successors, lessees and assigns (hereinafter referred to as the grantees) to construct, equip, maintain and operate an industry spur track of standard gauge in the westerly side of N. W. 15th Avenue from a point 4.5 feet north of the north line of N. W. Thurman Street to the north line of N. W. Savier Street in the City of Portland, Multnomah County, Oregon, the center line of said spur track being more particularly described as follows:

Beginning at a point in the center line of the N. W. 15th Avenue industrial lead 4.5 feet north of the north line of N. W. Thurman Street, which point is designated on Exhibit A attached hereto as Engineers Station 0 plus 00 and point of switch; thence in a southwesterly direction through a Number 6 turnout to the right to Engineers Station 0 plus 56.5, the point of a #6 frog; thence south 9 degrees 32' W. to Engineers Station 0 plus 82.6, the beginning of a 20 degree curve to the left; thence along the said 20 degree curve to Engineers Station 1 plus 30.3, the end of curve; thence southerly parallel to the center line of N. W. 15th Avenue and 13 feet distant therefrom, when measured at right angles thereto, to the northerly line of N. W. Savier Street at Engineers Station 2 plus 65.0.

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 plans so to be approved to be returned to the said grantees. 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 grantees will at their 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

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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 tracks, shall, in the opinion of the City Engineer, require repairs, adjustments or construction. The grantees shall pay 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 tracks and appurtenances, the equitable amount of such costs to be determined by the City Engineer.

The grantees 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 grantees 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 grantees, the tracks 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 said Spokane-Portland & Seattle Railway Company and The Northern Pacific Terminal Company of Oregon by this ordinance shall not in any wise or 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 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 grantees any vested or other rights. Upon revocation, the grantees 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 condition as good as are the adjoining portions of said street at the time of removal; all to be done as directed by and to the satisfaction of the City Engineer.

Section 7. This ordinance shall not exempt the grantees from taking out licenses or permits required by existing ordinances for any operation or construction carried on under the permit hereby granted.

Section 8. The permit hereby granted shall not become effective until there is filed by the grantees with the City Auditor a document satisfactory to the City Attorney accepting the terms and conditions hereof.

Section 9. 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 switching facilities may be provided for an important local industry with the least possible 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 JUL 13 1939

Joseph K. Carson Jr.

Mayor of the City of Portland

ATTEST:

Will E. Gibson

Auditor of the City of Portland

Com'r Bowes
7-7-39

LEB

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W.A.B.

Bowes

Thursday

Filed JUL 14 1939

Will E. Gibson

Auditor of the City of Portland

By R. S. Ivey
Deputy

THE FOLLOWING IS THE OFFICIAL VOTE ON THE FOREGOING ORDINANCE		
	YEAS	NAYS
BENNETT	/	
BOWES	/	
CLYDE	/	
RILEY	/	
CARSON		