

RESOLUTION NO.

~~5610~~ 5609

Be it Resolved by the Council of the City of Portland, that there be and is hereby submitted to the legal voters of the City of Portland at the Special Municipal Election to be held in said City on the 2nd day of November 1912, (at same time the Commission Form Charter is submitted) , for their adoption or rejection, a Measure or Act repealing Ordinance No.183 of the City of East Portland, entitled "An Ordinance granting to the Oregon and California Railroad Company the Right of Way on First Street"(now East First Street in the City of Portland).

And each elector who votes upon said proposed amendment shall vote "Yes" or "No" in answer to the following question, "Shall Ordinance No.183 of the City of East Portland be repealed? which repealing Act reads as follows, to-wit:

Section 2. Insurance in this ordinance is necessary for the good state relief of East Side Shoppers, as well as shippers of the entire City of Portland, to give competition in freight service, and prevent the excessive discrimination, unreasonable expense in handling of freight both ways across the congested Bridges, and to cure the unreasonable INADVERTENCE by and of the RAILROAD OFFICIALS toward home-suffering Shippers and Public generally, and because the Mayor and some members of the City Council appear prejudiced and are favoring the Maritime Line, against the public good and rights, in violation of their Oaths of Office, therefore this Ordinance shall go into force and effect from and after its approval by a majority of the voters of the City of Portland.

AN ACT

Ordinance No. _____

^{Act}
~~Ordinance~~ repealing Ordinance No. 183 of the City of East Portland, entitled "An Ordinance granting to the Oregon and California Railroad Company the right of Way on First Street."

Whereas, the Oregon and California Railroad Company (now the Southern Pacific Company) is wilfully violating an Ordinance of the City of Portland by obstructing what is now known as East First Street in the City of Portland, and

Whereas said Ordinance provides that "said railroad tracks shall not occupy a space of more than twenty feet (20 ft.) in width along said street, which shall be included between two lines, ten feet on either side from the center line thereof," and whereas said Southern Pacific Company, has, without leave or license, taken, appropriated—just HOGGED, and are now using 22 feet of said East First Street, in width, in violation of said Permit Ordinance; and

Whereas, said Ordinance No. 183 purports to grant a franchise without limitation and in perpetuity, and

Now therefore, the City of Portland does ORDAIN as follows:

Section 1. That said Ordinance No. 183 of said City of East Portland entitled "An Ordinance granting to the Oregon and California Railroad Company the Right of Way on First Street," (now East First Street in the City of Portland), be and the same is hereby repealed and all rights and privileges granted or purported to have been granted by said last mentioned Ordinance in said First Street, are hereby revoked and declared forfeited, null and void, and said Southern Pacific Company is required and ordered to forthwith remove its rails from said street. And if they do not so do the Mayor on behalf of the City, and People—the Public who own this Street, is hereby authorized and instructed to remove the rails of said trespassing and ordinance violating companies forthwith, unless said Southern Pacific or Oregon and California Companies come in at once and ask for a New Franchise under present City Charter with Common User provisions on this Street.

Section 2. Inasmuch as this ordinance is necessary for the immediate relief of East Side Shippers, as well as shippers of the entire City of Portland, to give competition in freight service, and prevent the continued discrimination, unreasonable expense in hauling of freight both ways across the congested Bridges, and to cure the unreasonable INADVERTENCE By and of the HARRIMAN OFFICIALS toward long-suffering Shippers and Public generally, and because the Mayor and some members of the City Council appear prejudiced and are favoring the Harriman lines, against the public needs and rights, in violation of their Oaths of Office, therefore this Ordinance shall go into force and effect from and after its approval by a majority of the voters of the City of Portland.

Filed *Aug 30* 191*2*
W. H. Barlow
Auditor of the City of Portland.

ADOPTED BY THE COUNCIL

August 30, 1912

Deputy.

W. H. Barlow

Auditor of the City of Portland
By A. George Deputy

18 Res. #18
Act.
Repealing Ord
#183 S.P.

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AUG 30 1912

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Maguire

AUG 30 1912

Filed 19

W H Barber
Auditor of the City of Portland.

By *X* *W H Barber*
Deputy.

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Following is the official vote
on the foregoing ordinance:

	YEAS	NAYS
Baker	1	
Burgard	1	
Clyde	1	
Daly	1	
Dunning		
Jennings	1	
Joy	1	
Maguire	1	
Menefee	1	
Monks	1	
Montag	1	
Schmeer	1	
Wallace	0	1
Watkins	1	
Wilhelm	1	

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