

31108

ORDINANCE NO.

An Ordinance designating certain streets of the City of Portland across, over and along which, the Oregon-Washington Railroad & Navigation Company, a railway corporation of the State of Oregon, its successors and assigns, may and shall locate and construct its railroad and railroad tracks for its line from St. Johns to Troutdale.

The City of Portland does ordain as follows:

Section 1. The following public streets of the City of Portland are hereby designated along, across and over which, at grade, the Oregon-Washington Railroad & Navigation Company, hereinafter called the Railroad Company, its successors and assigns, may and shall locate a main line of railroad track on its line of railroad from St. Johns to Troutdale, to-wit: Calvert street, Trenton street, Burrage street, Tyndale street, Richmond street, East Tenth street, East Eleventh street, East Thirteenth street, East Fifteenth street, Pippin (now Lombard) street, Vancouver Road (sometimes called Vancouver avenue) and East Thirty-third street. Said Railroad Company, its successors and assigns, are hereby given the right and privilege to locate a main line of railroad track over, along and across said streets, at grade, and maintain the same, and operate thereover, a line of railroad, and the portions of said streets over which the line of railroad of the Railroad Company may be laid, and the railroad track to be laid thereover, may and shall be used by the Railroad Company, its successors and assigns, for all legitimate railroad purposes, and in connection with said main line of railroad said Railroad Company is granted the right and privilege to locate, build, maintain and operate a passing track and a team track at grade over and across Railroad street, Burrage street and Calvert street. Said Railroad Company, its successors and assigns, shall keep the portions of said streets occupied by said railroad tracks in good repair, and as required by the Common Council, and from time to time shall plank, pave, repave and reconstruct or otherwise improve or repair and maintain, in good order and condition, and in the manner directed by the Council or the Executive Board of the City of Portland, all of the portions of said streets and each of them, along and over which said tracks may be located and constructed, lying between the rails of its tracks and for a distance of one (1) foot outside of such rails.

Section 2. The work of laying down the railroad tracks provided for by Section 1 of this Ordinance, the estimated cost whereof is \$3500.00 exclusive of the cost of keeping in repair, paving, or repaving said portions of said streets and each of them, shall be constructed forthwith upon this ordinance becoming effective, and the same shall be completed within one (1) year from the commencement of the work thereon, during which time the moneys necessary for such work shall be expended; provided, however, that if the commencement of the work of the Railroad Company, or its continuance, shall be enjoined or suspended by the process of any court, the time herein by this section provided for the doing and completion of the work herein provided for shall be deemed extended for the length of time such work may be enjoined or suspended by such process.

Section 3. The rights and privileges granted or conferred upon the Railroad Company by this ordinance shall and may be exercised, used and enjoyed by said Railroad Company, its successors and assigns, during such period of time as the charter of Portland may or can, under the charter of the city and the general laws of the State of Oregon confer such rights and privileges, and the crossing rights over the designated streets by the intersection and crossing of which by railroad tracks is provided by this ordinance, may and shall be held, used and enjoyed, by said Railroad Company, its successors and assigns, for the purpose of railroad crossings, as provided for by this ordinance, in accordance with the charter of the City of Portland and the general laws of the State of Oregon, and to as full an extent as the same might be held, used and enjoyed, as if the rights and privileges herein conferred had been secured and acquired by said Railroad Company by condemnation proceedings under the general laws of Oregon.

Section 4. The rights and privileges herein granted by this ordinance are upon the condition that the Railroad Company, its successors and assigns, shall allow any other commercial railroad to use, in common with it, so much of the track or tracks of the Railroad Company as may be laid over, across or along the public streets aforesaid of the City of Portland, upon obtaining the consent of the City Council expressed by ordinance, each company so using the same paying an equitable and proper proportion for the construction and tracks or appurtenances used by said railroad companies jointly; but this section shall not be construed as authorizing the use by any other railroad company of any of the tracks of the grantee outside of or beyond the limits of said public streets of the City of Portland, the occupation and use of which are by this ordinance authorized and granted to said Railroad Company.

Section 5. In the event that any street or streets, or portions thereof, used by said Railroad Company, its successors and assigns, shall be abandoned by it, or its successors or assigns, then and in that event, said Railroad Company, its successors and assigns shall forthwith remove its tracks and other property therefrom, and upon removal restore, repair or reconstruct that portion of the street or streets which, under this ordinance are to be kept in repair by said Railroad Company, its successors and assigns, so that the same shall be placed in such condition as may be required by the City Council.

Section 6. Nothing contained in this ordinance, or any right, privilege or franchise granted hereunder, shall be construed to prevent the municipal authorities of the City of Portland from sewerage, grading, paving, planking, macadamizing or improving any of the streets over which the tracks constructed hereunder shall pass.

Section 7. The grantee hereunder, its successors and assigns, shall annually pay to the City of Portland as cash compensation for the rights and privileges granted, the sum of One Hundred (\$100.00) Dollars per year.

Section 8. The Railroad Company shall, within thirty (30) days after this ordinance is in force, file in the office of the Auditor of the City of Portland, its written unqualified acceptance of this ordinance and the rights and privileges hereby granted and subject to the terms, restrictions and privileges herein contained. The failure of said company so to file such acceptance within the period limited, shall be deemed and held to be a rejection by it of the terms and conditions of this ordinance, and, upon the expiration of said period of thirty days, if the same shall not have been accepted, this ordinance shall become and be wholly void, inoperative and of no effect.

Passed the Council OCT 11 1911

Submitted to the Mayor OCT 13 1911

A. G. Rushlight

Auditor of the City of Portland

APPROVED OCT 23 1911

A. G. RUSHLIGHT Mayor