

ORDINANCE ACCEPTANCE

RECEIVED
1957 AUG 16 07
Portland, Oregon
CITY OF PORTLAND, ORE.
August 16 19 57

WILL GIBSON,
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. 106467, passed by the City Council August 15, 1957 granting a revocable permit to Spokane, Portland & Seattle Railway Company, to construct, equip, maintain and operate an industry spur track of standard gauge over and across a portion of N. W. Nicolai Street and N. W. 23rd Avenue from a point 95.3 feet west of the west line of N. W. 23rd Avenue to the easterly property line of N. W. 23rd Avenue 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]

SPOKANE, PORTLAND & SEATTLE RAILWAY COMPANY

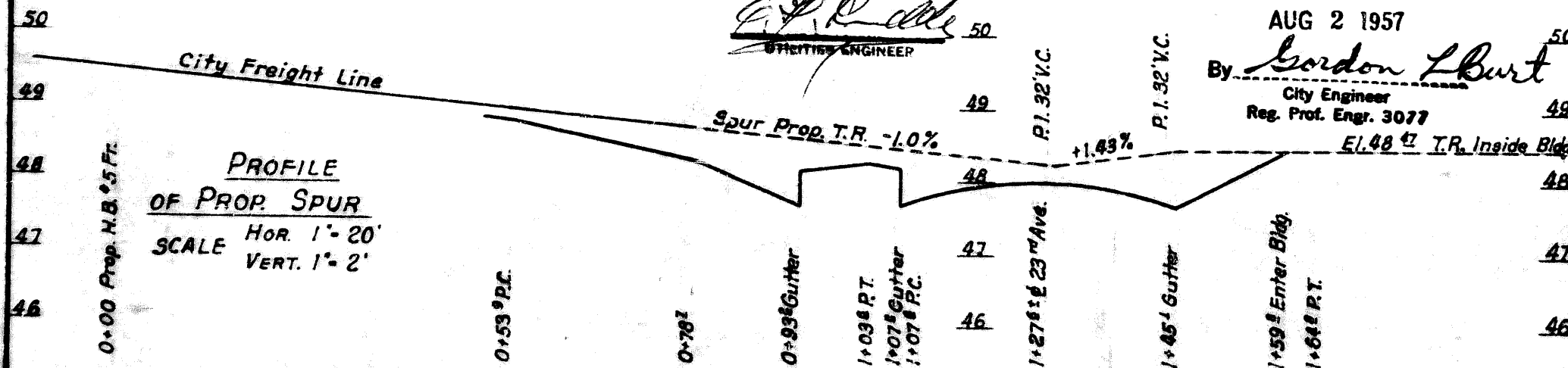
* *J. L. Albertson*
Vice President

American Bank Building
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.



ORDINANCE No. 106467

An Ordinance granting a revocable permit to Spokane, Portland & Seattle Railway Company, c/o L. W. Albertson, Vice President, American Bank Building, its successors, lessees and assigns, to construct, equip, maintain and operate an industry spur track of standard gauge over and across a portion of N.W. Nicolai Street and N.W. 23rd Avenue from a point 95.3 feet west of the west line of N.W. 23rd Avenue to the easterly property line of N.W. 23rd Avenue, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. That a revocable permit is hereby granted to the Spokane, Portland & Seattle Railway Company, its successors, lessees and assigns (hereinafter referred to as the grantee) to construct, equip, maintain and operate an industry spur track of standard gauge over and across N.W. Nicolai Street and N.W. 23rd Avenue from a point 95.3 feet west of the west line of N.W. 23rd Avenue to the easterly property line of N.W. 23rd Avenue, in the City of Portland, Multnomah County, Oregon, the center lines of said spur track being more particularly described as follows:

Beginning at a point in the centerline of N.W. Nicolai Street 95.3 feet westerly from the intersection of said centerline of N.W. Nicolai Street and an extension of the west line of N.W. 23rd Avenue, said point being located in the City Freight Line and marks the headblock of the proposed spur track; thence in a southeasterly direction through a number five turnout 53.9 feet to the beginning of a 150 ft. radius curve to the right; thence along said curve 49.7 feet through an angle of 19 degrees to the end of said curve; thence S. 88° 35' E., 4.0 ft. to the beginning of a 150 ft. radius curve to the left; thence along said curve 49.3 feet through an angle of 18° 50' to a point on the east line of N.W. 23rd Avenue 13.14 ft. south of the intersection of the east line of N.W. 23rd Avenue and the south line of N.W. Nicolai Street. The centerline as described clears the northeast corner of Lot 12, Block 22 of Sherlock's Addition by 10.3 ft.;

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 with 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

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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 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 track 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 spur track and appurtenances, the equitable amount of such costs to be determined by the City Engineer.

The grantee 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 track, and those portions outside of the rails extending to the ends of crossties, 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 companies operating engines, locomotives or cars by electrical current, steam or gas power, to use in common with the grantee the track 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 the said Spokane, Portland & Seattle Railway Company, its successors, lessees and assigns, 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

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to utility companies now located in the area to be occupied by the said spur track 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 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 licenses or permits required by any existing ordinances for any operation or construction carried on under the permit hereby granted.

Section 9. The 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.

Section 10. The grantee, its successors, lessees and assigns, hereby agrees and covenants 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 be subject in consequence of any act or neglect of said grantee, its successors, lessees or assigns, its agents or servants, in any manner arising from the rights and privileges hereby permitted.

Section 11. It is understood that work under this permit shall be started as soon as practicable and it is conditioned that if no such work has been started by said grantee within one year after the date hereof, the permit herein granted shall be void and of no effect.

Section 12. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace

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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, AUG 15 1957


Mayor of the City of Portland

Attest: 
Auditor of the City of Portland

Calendar No. 100001

ORDINANCE NO. 100440

Title

An Ordinance granting a revocable permit to Spokane, Portland & Seattle Ry. Co., c/o L. W. Albertson, Vice President, American Bank Building, its successors, lessees and assigns, to construct, equip, maintain and operate an industry spur track of standard gauge over and across a portion of N.W. Nicolai Street and N.W. 23rd Avenue from a point 95.3 feet west of the west line of N.W. 23rd Avenue to the easterly property line of N.W. 23rd Avenue, and declaring an emergency.

THURSDAY

Filed AUG 9 - 1957

Phile Siskow.
Auditor of the CITY OF PORTLAND
By *John A. Dwyer*
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bean	/	
Boody	/	
Bowes	/	
Earl	/	
Schrunk	/	

FOUR-FIFTHS CALENDAR	
Bean	
Boody	
Bowes	
Earl	
Schrunk	

INTRODUCED BY
Com'r Boody

DRAWN BY
HBG chv
Date August 7, 1957

NOTED BY THE COMMISSIONER
Affairs
Finance
Safety
Utilities
Works <i>[Signature]</i>

City Attorney

NOTED FOR CITY AUDITOR
<i>[Signature]</i>

APPROVED
Date 8-7-57
By <i>Barney A. Burt</i> City Engineer
Date
By