

An Ordinance granting a revocable permit to the Oregon-Washington Railroad and Navigation Company to construct a spur track in East 2nd street from a point 85 feet south of the south line of East Taylor street to 100 feet south of the south line of East Salmon street, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. That a revocable permit be and is hereby granted to the Oregon-Washington Railroad and Navigation Company, its lessees, successors and assigns (hereinafter referred to as the grantee) to construct, maintain, equip and operate a spur track for the benefit of the Chevrolet Motor Company in East 2nd street from a point 85 feet south of the south line of East Taylor street to 100 feet south of the south line of East Salmon street, the location of the center line of said track being more particularly described as follows:

Beginning at a point on the center line of the main track in East 2nd street 85 feet south from the south line of East Taylor street; thence on a turnout and curve southeasterly to a point on the south line of East Salmon street 14 feet east from the center line of said East 2nd street; thence south parallel to the center line of said street to a point 100 feet south of the south line of East Salmon street.

Section 2. The grantee shall file in quadruplicate with the City Engineer complete plans showing the exact location within the street lines and details of construction of all proposed work, and no work thereunder shall be done until the City Engineer shall have approved the same, one of the copies of plans so approved to be returned to the railroad company. 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 grantee will at its own cost and expense during the exercise of the privilege hereby granted, pave, repave, repair or otherwise improve, maintain and adjust in like kind or as directed by the City Engineer, any part or parts of the pavement 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 reconstruction. The grantee

shall pay to the City any additional costs for constructing, reconstructing, altering, repairing or maintaining any municipal utility now existing or which may hereafter be built caused by the construction and maintenance of the said tracks and their appurtenances, the equitable amount of such costs to be determined by the City Engineer. The grantee shall 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 the cross ties: Provided, that in no case shall the portions outside of the rails be less than one foot in width measured from the outside of the rails.

Section 4. This permit is hereby granted upon the condition that the grantee shall allow any other company, including any municipal belt line, commercial railroad that may be hereafter authorized, operated or maintained by the City of Portland, and including railroad companies operating engines, locomotives or cars by electrical current to use in common with the grantee the tracks herein authorized to be laid, upon obtaining consent of the Council of the City of Portland, expressed by ordinance or by the people by the initiative, each railroad company paying a proper and equitable proportion of the construction and repair of the tracks and appurtenances used by such companies jointly, but the railroad companies operating engines, locomotives or cars by electrical current shall erect and maintain poles and wires and bend the rails for operating such engines and locomotives and cars without cost and expense to said grantee, each railroad company so using electrical current paying a proper and equitable proportion for the erection and maintenance of such poles and wires and bending rails.

Section 5. This permit as granted to said Oregon-Washington Railroad and Navigation Company, its lessees, successors and assigns, 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 track which may be constructed under this ordinance and for the maintenance and operation of such tracks.

Section 6. The permit hereby granted is revocable at any time at the pleasure of the Council, and no expenditure of money thereunder, or lapse of time, or other act or thing, shall operate as an estoppel against the City or be held to

give the grantee any vested or other right. Upon revocation, the grantee shall within thirty days remove all tracks and appurtenances constructed under the said permit, and shall put those portions of the street affected by such removal in a condition as good as are adjacent portions of the 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 grantee 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 grantee 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 adequate transportation facilities for the Chevrolet Motor Company, an important local industrial concern, may be provided without delay; therefore, an emergency is hereby declared and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, JUN 1 1921

GEO. L. BAKER

Mayor of The City of Portland



ATTEST:

Auditor of The City of Portland