

Ordinance No. 40712

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1122

An Ordinance granting a revocable permit to The Northern Pacific Terminal Company of Oregon to construct and maintain a spur track in Front street from a point 155 feet southeast from the westerly line of Nicolai street to the westerly line of Nicolai street, for the benefit of the Philadelphia Quartz Company, 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 Northern Pacific Terminal Company of Oregon, 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 Philadelphia Quartz Company from a point 155 feet southeast from the westerly line of Nicolai street to the westerly line of Nicolai street, the location of the center line of said track being more particularly described as follows:

Beginning at a point in the present main track in North Front street 155 feet southeasterly from the westerly line of Nicolai street; thence on a number 7 turnout to the left, and continuing on the frog angle of 8 degrees 10 minutes, a distance of 151.4 feet to the B C of a 12 degree 30 minute curve; thence on a 12 degree 30 minute curve to the right, a distance of 5 feet to the west line of Nicolai 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 bond 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 bonding rails .

Section 5. This permit is granted to said Northern Pacific Terminal Company, its lessors, 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 tracks 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 proper transportation and shipping facilities may be provided for the Philadelphia Quarts Company, an important local industry; 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,

FEB 15 1922

GEO. L. BAKER

Mayor of The City of Portland

ATTEST:


Auditor of The City of Portland