

An Ordinance granting a revocable permit to the Oregon-Washington Railroad & Navigation Company and the Union Pacific Railroad Company, its lessee, their successors, lessees and assigns, to construct, equip, maintain and operate two industry spur tracks of standard gauge in the easterly side of S.E. 3rd Avenue between S.E. Stark Street and S.E. Alder Street, in the City of Portland, Oregon, repealing Ordinance #40600 passed by the Council January 18, 1922, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. That a revocable permit be and the same is hereby granted to the Oregon-Washington Railroad & Navigation Company and the Union Pacific Railroad Company, its lessee, their successors, lessees, and assigns (hereinafter referred to as the grantees) to construct, equip, maintain and operate two industry spur tracks of standard gauge in the easterly side of S.E. 3rd Avenue between S.E. Stark Street and S.E. Alder Street in the City of Portland, Oregon, the center lines of said spur tracks being more particularly described as follows:

- (a) Beginning at a point in the center of S.E. Third Avenue which point is 30 feet north of the north line of S.E. Washington St., thence southeasterly through a No. 5 turnout a distance of 49 feet; thence on a curve having a radius of 181.4 feet, to the right a distance of 35.7 feet to a point, which is 13 feet east of center line of S.E. Third Avenue; thence southerly parallel to and 13 feet distant from center line of S.E. Third Avenue, a distance of 110.3 feet to a point 96.5 feet north of the north line of S.E. Alder Street.
- (b) Beginning at a point in the center line of S.E. Third Avenue which point is 20 feet south of the south line of S.E. Washington St., thence northeasterly through a No. 5 turnout a distance of 49 feet; thence on a curve having a radius of 181.4 feet, to the left a distance of 35.7 feet to a point, which is 13 feet east of center line of S.E. Third Avenue; thence northerly parallel to and 13 feet distant from center line of S.E. Third Avenue a distance of 115.3 feet, thence on a curve having a radius of 386.48 feet, to the right a distance of 73 feet to a point which is 7.0 feet south of south line of S.E. Stark St., and 8.5 feet west of east line of S.E. Third Avenue.

Section 2. The grantee shall file in quadruplicate with the City Engineer complete plans showing the exact location within 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 plans so to be approved to be returned to the said grantees. 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 grantees will at their own cost and expense during the exercise of the privileges hereby granted pave, repave, repair or otherwise improve, maintain and adjust in like manner or as directed by the City Engineer, any part or parts 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 construction. The grantees shall pay 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 tracks and appurtenances, the equitable amount of such costs to be determined by the City Engineer.

The grantees 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 tracks and those portions outside of the rails extending to the ends of cross ties, 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 grantees 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 grantees, the tracks 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 said Oregon-Washington Railroad & Navigation Company and the Union Pacific Railroad Company, its lessee, 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 said other tracks.

Section 6. The permit hereby 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 grantees any vested or other rights. Upon revocation, the grantees 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 to be done as directed by and to the satisfaction of the City Engineer.

Section 7. That Ordinance #40600 passed by the Council January 18, 1922 entitled "An Ordinance granting a revocable permit to the Oregon-Washington Railroad & Navigation Company to construct, maintain and operate a standard gauge spur track in East 3rd Street between East Alder Street and East Stark Street, and declaring an emergency" be and the same is hereby repealed and all those portions of said spur track, not included in the description in Section 1 (b) of this ordinance, shall be removed and the street area affected by such removal shall be placed in a condition satisfactory to the City Engineer.

Section 8. This ordinance shall not exempt the grantees from taking out licenses or permits required by existing ordinances for any operations 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 grantees with the City Auditor a document satisfactory to the City Attorney accepting the terms and conditions hereof.

Section 10. 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 switching facilities may be provided for important local industries with the least possible 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 May 18 1939

Joseph K. Carson Jr.
Mayor of the City of Portland

ATTEST: Will E. Gibson
Auditor of the City of Portland

Com'r Bean
LEB

3113

ORDINANCE NO. 72388

An Ordinance granting a revocable permit to the Oregon-Washington Railroad & Navigation Company and the Union Pacific Railroad Company, its lessee, their successors, lessees, and assigns, to construct, equip, maintain and operate two industry spur tracks of standard gauge in the easterly side of S.E.3rd Avenue between S.E.Stark Street and S.E.Alder Street, in the City of Portland, Ore., repealing Ordinance #40600 passed by the Council January 18, 1922, and declaring an emergency.

ORB

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Bean
Thursday

Filed May 19 1939

Will E. Gibson

Auditor of the City of Portland

By R. S. Ivey
Deputy

THE FOLLOWING IS THE OFFICIAL VOTE ON THE PACED ORDINANCE		
	YAS	NO
BEAN	/	
BENNETT	/	
CLYDE	/	
RILEY	/	
CARSON		