

ORDINANCE No. 129460

An Ordinance authorizing the City to obtain a Permit of Entry from the Oregon Washington Railroad & Navigation Company and Union Pacific Railroad Company (hereinafter referred to as ("Railroads")) upon Railroad's property for the Relocation of the Sullivan's Gulch Trunk Sewer Between N.E. 49th Avenue & Vacated N.E. Oregon Street, under certain conditions, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds the City of Portland has heretofore constructed the Sullivan's Gulch Trunk Sewer on Railroad's right of way in accordance with Agreement, dated April 19, 1911; that Railroads now desire to construct a spur track within its right of way to serve an industrial building in the vicinity of N.E. 49th Avenue and vacated N.E. Oregon Street; that said spur track would be constructed over and across said sewer as now located; that said existing sewer is not of sufficient strength to withstand the loads which would be imposed by railroad operations, and it therefore is necessary that said sewer be relocated on Railroad's right of way at the expense of the City in compliance with the terms of the hereinabove mentioned Agreement; that a supplement to the 1911 Agreement to extend its terms to cover the sewer when relocated, is required but has not yet been prepared; that the City is willing to enter into such supplemental agreement; that the General Manager of the Railroads has offered to give to the City a Permit of Entry, subject to certain conditions, pending preparation of a supplement to said 1911 Agreement, to allow immediate relocation of the sewer by the City so that construction of the spur track by the Railroads may be undertaken with no unnecessary delay; now therefore, the Mayor and Commissioner of Public Works hereby are authorized on behalf of the City to execute an acceptance of a duplicate copy of a letter from the General Manager of Union Pacific Railroad Company addressed to the City of Portland granting such Permit of Entry.

Section 2. 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 relocation of a portion of the Sullivan's Gulch Trunk Sewer may be accomplished without further delay, therefore an emergency hereby is declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, JUL 31 1969


 REPRESENTATIVE OF THE COUNCIL AND ACTING
 Mayor of the City of Portland

Attest:


 Auditor of the City of Portland

Calendar No. 3190

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Title

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THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bowes	/	
Earl	/	
Grayson	/	
Ivancie	/	
Schrunk		

FOUR-FIFTHS CALENDAR	
Bowes	<i>Wilkin</i>
Earl	<i>Alv</i>
Grayson	<i>ma</i>
Ivancie	
Schrunk	<i>DS</i>

Filed JUL 30 1969

RAY SMITH
Auditor of the CITY OF PORTLAND
By *George Fisher*
Deputy

INTRODUCED BY
Commissioner Bowes

DRAWN BY
CS:jr
Date July 28, 1969

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <i>W. B. B.</i>

City Attorney

NOTED FOR CITY AUDITOR
<i>Key</i>
<i>H</i>

APPROVED
Date <i>7/30/69</i>
By <i>N.R. Drulard</i> City Engineer N.R. Drulard
Date
By