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.

Attest:

Passed by the Council, JUL 3 1 1969

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Mayor of the City of Portland

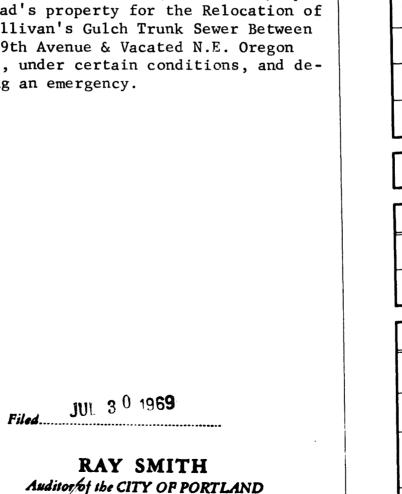
Auditor of the fity of Portland

Com'r Bowes CS:jr 7-28-69 Calendar No. 3190

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By Singe Yechorch Deputy INTRODUCED BY

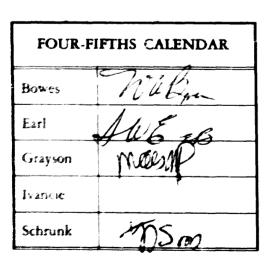
Commissioner Bowes

DRAWN BY

CS:jr

Date July 28, 1969

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THE COMMISSIONERS VOTED

AS FOLLOWS:

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