

AN ORDINANCE PROVIDING FOR A FRANCHISE, RIGHT AND PRIVILEGE TO PORTLAND TRACTION COMPANY, A CORPORATION, AND ITS SUCCESSORS AND ASSIGNS, TO LAY DOWN, RELAY, CONSTRUCT, RECONSTRUCT, MOVE, REMOVE, LOCATE, RELOCATE, LEASE, REPAIR, MAINTAIN, EQUIP, OPERATE, HAVE, HOLD, USE AND ENJOY A DRILL TRACK LINE OF RAILWAY, WITH ALL NECESSARY OVERHEAD AND UNDERGROUND EQUIPMENT, INCLUDING TELEPHONE, TELEGRAPH AND ELECTRIC WIRES AND POLES, SWITCHES AND STATIONS, AND ALL REASONABLE AND CONVENIENT EQUIPMENT AND APPURTENANCES, AND TO RUN AND OPERATE CARS AND TRAINS AND CARRY FREIGHT, MAIL, BAGGAGE AND EXPRESS THEREON, IN, OVER, ALONG AND UPON AND ALL BEING ON THE STREET KNOWN AS McBROD AVENUE, IN THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

SECTION 1. That there is hereby granted, subject to the terms and conditions hereof, to Portland Traction Company, a corporation of the State of Oregon, and to its successors and assigns (which said Company and/or its successors or assigns are herein described as "Grantee") a franchise, right and privilege to lay down, relay, construct, reconstruct, move, remove, locate, re-locate, lease, repair, maintain, equip, operate, have, hold, use and enjoy a drill track line of railway, including switches leading from said drill track for purpose of connecting with spurs constructed over private property, with all necessary overhead and underground equipment and appurtenances, including telephone, telegraph and electric wires and poles, and to run and operate trains and cars and carry freight, mail, baggage and express thereon, in, over, along and upon and all being on the street known as McBrod Avenue in the City of Milwaukie, Clackamas County, Oregon, the location of said franchise being more particularly described as follows:

Beginning at a point on the western edge of McBrod Avenue in the City of Milwaukie, Clackamas County, State of Oregon, approximately 566 feet southerly of its intersection with the south line of Ochose Street in said City and State, thence southerly along the western edge of said McBrod Avenue, a distance of approximately 2250 feet, more or less, to the easterly edge of River Road in said City and State; thence along the easterly edge of River Road in a generally southerly direction a distance of 20 feet, thence in a generally northerly direction 2250 feet more or less, on a line parallel to the western edge of McBrod Avenue, and 20 feet therefrom to the southwesterly line of McBrod Avenue, thence in a southwesterly direction to the point of beginning. A diagram upon which franchise is marked is attached hereto, marked Diagram A, "Portland of Milwaukie Industrial Park, City of Milwaukie, P. R. & T. Co. (Portland Traction Co)" and is included herein, as if fully set forth.

The center of said drill track when constructed shall be along the center of the 20-foot strip hereinabove described except as for such deviation as may be necessary at curves to avoid overhang of rolling equipment along the edge of said strip nearest the center of said street, such overhang being expressly prohibited.

SECTION 2. That the franchise, right and privileges hereby granted shall extend for a period of twenty (20) years from the date of passage of this ordinance.

SECTION 3. That the privileges herein granted are upon the express conditions that said grantee, its successors and assigns shall be liable for all damage or injuries to person or property caused by the neglect or mismanagement of the company or any of its employees while engaged in constructing or using said railway. Should the City of Milwaukie, Oregon, be sued therefor, said grantee, its successors and assigns shall be notified of such suit, and thereupon it shall be its duty to defend or settle the suit, and should judgement go against the City of Milwaukie, Oregon, in any such case, the city shall recover the amount thereof with costs, from said grantee, its successors and assigns.

SECTION 4. That all tracks constructed by the grantee, its successors and assigns, shall be flush with the grade of said streets as the same may be improved, and shall offer as little obstruction as practicable to the passage of vehicles, or other public use of said streets. All poles and wires shall be erected on the west side of the track.

SECTION 5. That the grantee, its successors and assigns, may charge and collect for the carriage of freight, mail, baggage and express over said railways such just and reasonable rates as may be established from time to time by or pursuant to lawful authority.

SECTION 6. That the grantee shall, within three days after the final passage of this Ordinance, file in the office of the City Recorder of the City of Milwaukie, Oregon, a written acceptance of the franchise, rights and privileges by this Ordinance granted unto it.

Read the first time this 8th day of December, 1958

Read the second time this 8th day of December, 1958, and passed by the unanimous vote of all of the members of the Council.

Signed by the Mayor this 11th day of December, 1958

(Signed)  
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Leonard B. Millan, Mayor

ATTEST:

(Signed)  
\_\_\_\_\_  
R.E. Osborne, City Recorder.

APPROVED AND ACCEPTED THIS

\_\_\_\_\_ day of \_\_\_\_\_ 1958

PORTLAND TRACTION COMPANY,  
PORTLAND RAILROAD AND TERMINAL DIVISION.

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Vice President.