

EXHIBIT A

ORDINANCE NO. 141936

An Ordinance granting a revocable permit to Broadmor Properties to construct a loading dock which in use will require trucks to block the east sidewalk area of SW Park Avenue, between Morrison and Yamhill, during certain hours, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Broadmor Properties, 4040 MacArthur Boulevard, Suite 220, Newport Beach, California 92660, has through Mr. Edward C. Ellis, requested permission to construct a loading dock so that trucks using it will block the sidewalk area of SW Park Avenue between Morrison and Yamhill Streets, adjacent to Block 211, Portland, from 12:00 AM to 7:30 AM daily.
2. The said loading dock is to be constructed as a part of the building for Nordstrom's new department store.
3. The Planning Commission, City Engineer, and Traffic Engineer have no objections to the construction of said loading dock and blocking of the sidewalk during those stated times.

NOW, THEREFORE, the Council directs:

- a. All conflicting provisions of the Code of the City hereby are waived for this project and a revocable permit granted to Broadmor Properties to construct a loading dock and to block the sidewalk of SW Park Avenue adjacent to Block 211, Portland, from 12:00 AM to 7:30 AM daily, subject to the following conditions:
 - (1) Trucks being loaded or unloaded shall be parked in a manner that will not block normal passage of the vehicular traffic in SW Park Avenue.
 - (2) During the time the sidewalk is blocked, the grantee shall provide signs placed at either end of the block advising pedestrians there is no through pedestrian traffic and to use the other side of the street.
 - (3) During nonloading hours all loading and related facilities and improvements including signing shall be concealed by a closed door the design of which shall be complimentary and consistent with the design of ground level display walls of the development.

- (4) This permit shall not exempt the grantee from obtaining any license or permit required by the City Code or Ordinance, for any act to be performed under this permit, nor shall this permit waive the provisions of any City Code or Ordinance or the City Charter except as herein stated.
- (5) This permit is revocable at any time at the pleasure of the Council and no expenditure of money 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 grantee any vested or other right.
- (6) The grantee shall hold the City of Portland, its officers, agents, and employees free and harmless from any claims for damages to persons or property, including legal fees and costs of defending any actions or suits, including any appeals which may result from the use of the street area under this permit by providing evidence of insurance protecting the City of Portland, its officers, agents, and employees as follows:
Bodily injury \$100,000 for one claimant and \$300,000 for one occurrence, property damage \$50,000 for one claimant and \$300,000 for one occurrence, said insurance to be kept in full force and effect at all times. This permit is automatically revoked without further action by the Council if this insurance is permitted to lapse, is cancelled or, for any other reason, becomes inoperative.
- (7) This agreement shall be deemed to run with the land and shall equally bind the grantees, successors, and/or assigns of the grantee to the conditions contained herein.

Section 2. This Ordinance will not become effective until the grantee has filed with the City Auditor both a document accepting the terms and conditions hereof, and the evidence of insurance, each of which has been approved by the City Attorney.

ORDINANCE No.

Section 3. The Council declares that an emergency exists because delay in the enactment of this Ordinance will result in an unnecessary hardship of uncertainty on the part of the applicant as to the status of the requested permit for said loading dock; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, JUN 24 1976

Commissioner Connie McCready
Jim Kirk:mw
June 17, 1976

W. C. C. Schwab

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

Attest:

Sergei Tikhonov

Auditor of the City of Portland

| THE COMMISSIONERS VOTED AS FOLLOWS: | | |
|--|------|------|
| | Yeas | Nays |
| Ivancie | 1 | |
| Jordan | 1 | |
| McCready | | ✓ |
| Schwab | 1 | |
| Goldschmidt | 1 | |

| FOUR-FIFTHS CALENDAR | |
|----------------------|--|
| Ivancie | |
| Jordan | |
| McCready | |
| Schwab | |
| Goldschmidt | |

Calendar No. 1811

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Title

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THURSDAY

Filed JUN 18 1976

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By Gordon B. Hall

INTRODUCED BY

Commissioner Connie McCready

NOTED BY THE COMMISSIONER

Affairs

Finance and
Administration

Safety

Utilities

Works *CMS*

BUREAU APPROVAL

Bureau:

City Engineer Services

Prepared By:

Date:

Jim Kirk

6/17/76

Budget Impact Review:

☐ Completed☐ Not required

Bureau Head:

John M. Long
John Lang, Chief

NOTED BY

City Attorney

City Auditor

City Engineer

Cowles Mallory
Cowles Mallory