

**IMPACT STATEMENT**

**Legislation title:** Revoke Ordinance No. 147912 allowing Meier & Frank use along the south side of SW Alder St between SW 6th and 5th Ave for loading and unloading operations (Ordinance; revoke Ordinance No. 147912).

**Contact name:** Kelly Sills, Portland Bureau of Transportation

**Contact phone:** 503/823-5072 (x-35072)

**Presenter name(s):** Kelly Sills, On-Street Parking Operations Program Manager

**Purpose of proposed legislation and background information**

Revoke Ordinance No. 147912 in recognition that Meier & Frank is no longer the owner or occupant of 621 SW 5<sup>th</sup> Avenue.

**Financial and budgetary impacts**

No fiscal impacts on the City of Portland.

**Community impacts and community involvement**

De minimis to no community impacts. Post-Macy's development interests in the 621 SW 5<sup>th</sup> Avenue property have been notified of the City's intent to bring an official revocation of Ordinance No. 147912 before Council.

**Budgetary Impact Worksheet**

**Does this action change appropriations?**

☐ **YES:** Please complete the information below.

☒ **NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

Exhibit A

MEIER & FRANK ORDINANCE

147912

ORDINANCE NO. 147912

An Ordinance granting a revocable permit to Meier & Frank Co., Inc., to continue their on-street loading, unloading operations in a portion of SW Alder Street between SW 5th Avenue and SW 6th Avenue adjacent to their property, and declaring an emergency.

~~The City of Portland ordains:~~

Section 1. The Council finds:

1. Meier & Frank Co., Inc., 621 SW 5th Avenue, Portland, Oregon 97204, has requested permission to continue their on-street loading, unloading operations for the purposes of transporting goods, materials, and equipment to and from the store, and for temporary storage of these goods while in transit in the sidewalk area of SW Alder Street adjacent to Block 173, Portland, as long as the store remains in operation under the present owners and occupants.
2. That the granting of this continuing use of the street area, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. Permission hereby is granted on a revocable basis to Meier & Frank Co., Inc., grantee, to continue using a portion of SW Alder Street adjacent to their property for their on-street loading, unloading operations of goods, materials and equipment over and across the sidewalk area and for temporary storage of these said goods in the sidewalk while in transit, subject to the following conditions:
  - (1) Vehicles being loaded or unloaded shall be parked in a manner that will not block normal passage of other vehicle traffic on SW Alder Street.
  - (2) That the grantee shall, at all times, provide for the passage of pedestrians in the sidewalk area adjacent to their property.
  - (3) This permit shall not exempt the grantee from obtaining any license or permit required by the City Code or Ordinances for any act to be performed under this permit, nor shall this permit waive the provisions of any City Code, Ordinance, or the City Charter, except as herein stated.

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- (4) 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.
- (5) 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.
- (6) The grantee shall pay the permit fee of \$10.00 required by Section 17.24.020 of the City Code.
- (7) This permit is personal to the grantee and shall not run with the land, nor may the same be transferred, assigned or otherwise disposed of by the grantee.
- (8) The grantee shall reimburse the City for the cost of filing by the City Auditor of a certified copy of this Ordinance with the Records Division of Multnomah County.

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.

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**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 to continue on-street loading, unloading operations; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

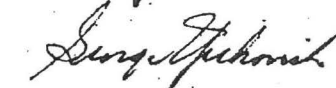
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Passed by the Council, JUN 20 1979

Commissioner Connie McCready  
Harry Hendrickson:mnc  
June 5, 1979

Attest:

  
Mayor of the City of Portland

  
Auditor of the City of Portland

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## ORDINANCE No.

Revoke ordinance allowing Meier & Frank use along the south side of SW Alder St between SW 6<sup>th</sup> and 5<sup>th</sup> Ave for loading and unloading operations (Ordinance; revoke Ordinance No. 147912)

The City of Portland ordains:

### Section 1. The Council finds:

1. Ordinance No. 147912 (attached as Exhibit A) was approved by Council on June 20, 1979 granting a permit to Meier & Frank Company, Incorporated ("M&F"), 621 SW 5<sup>th</sup> Avenue, to continue M&F on-street loading and unloading operations along the south side of SW Alder Street between SW 6<sup>th</sup> and 5<sup>th</sup> Avenues.
2. Ordinance No. 147912 incorporated conditions including, but not limited to, the following:
  - a. Per Section 1.1, permission was granted as long as the store remains in operation under the present owners and occupants.
  - b. Per Section 1, subsection 2.a, permission was granted to M&F on a revocable basis.
  - c. Per Section 1, subsection 2.a.4, the permit was revocable at any time at the pleasure of Council.
  - d. Per Section 1, subsection 2.a.7, the permit was personal to the grantee and did not run with the land, nor could it be transferred or assigned by the grantee.
2. Meier & Frank was acquired by May Department Stores ("May") in 1966. May operated M&F as a separate division until 2003 when it was consolidated into California-based Robinsons-May company (although the historic doing-business-as name of Meier & Frank was retained in Portland). Subsequently, Federated Department Stores ("Federated"), the parent company of Macy's, acquired Robinsons-May on August 30, 2005 at which time operational control over all former May divisions, including M&F, were merged under Macy's Northwest. The next year, Federated renamed M&F as Macy's in Portland.
4. Macy's ceased operations at 621 SW 5<sup>th</sup> Avenue as of the end of March 2017.
5. PBOT staff met with post-Macy's legal and transportation representatives for development interests at 621 SW 5<sup>th</sup> Avenue on March 9, 2017 and notified them of City intent to seek revocation of Ordinance No. 147912 before Council to recognize nullification of ordinance applicability resulting from ownership changes occurring to the original Meier & Frank Company per Section 1.1.

NOW, THEREFORE, the Council directs that:

- a. Ordinance No. 147912 is hereby revoked.

Passed by the Council,

**Mary Hull Caballero**  
Auditor of the City of Portland

Commissioner Dan Saltzman

By

Prepared by: Kelly Sills; SP  
On-Street Parking Operations  
Program Manager, PBOT

Date Prepared: April 11, 2017

Deputy

Agenda No.  
**ORDINANCE NO.**

Title

Revoke Ordinance No. 147912 allowing Meier & Frank use along the south side of SW Alder St between SW 6th and 5th Ave for loading and unloading operations (Ordinance; revoke Ordinance No. 147912)

<b>INTRODUCED BY</b> Commissioner/Auditor: <del>COMMISSIONER Dan Saltzman</del> <i>Mayor Wheeler</i>	CLERK USE: DATE FILED <u>MAY 02 2017</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Wheeler <i>W</i>	Mary Hull Caballero Auditor of the City of Portland
Position 1/Utilities - Fritz	By: <i>[Signature]</i> Deputy
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Eudaly	
<b>BUREAU APPROVAL</b> Bureau: <b>Transportation</b> Parking Services Group Manager: Dave Benson Assistant Director: Chris Warner Prepared by: Kelly Sills Date Prepared: 04/11/2017 Supervisor: Malisa McCreedy <i>[Signature]</i>	<b>ACTION TAKEN:</b> <b>MAY 10 2017</b> <b>REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</b>
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>City Auditor Office Approval:</b> required for Code Ordinances	
<b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter	
<b>Council Meeting Date</b> May 10, 2017	

<b>AGENDA</b> <b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input checked="" type="checkbox"/> <i>Pulled</i>
<b>REGULAR</b> <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz		
2. Fish	2. Fish		
3. Saltzman	3. Saltzman		
4. Eudaly	4. Eudaly		
Wheeler	Wheeler		