

RECEIVED

139181

DEC 17 9 46 AM 1974

GEORGE YERKOVICH
CITY OF PORTLAND, ORE. AUDITORBY: *[Signature]*

Portland, Oregon, December 9, 1974

ACCEPTANCE

GEORGE YERKOVICH
Auditor of the City of Portland
Room 202, City Hall
Portland, Oregon 97204

Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 139181, passed by the Council December 6, 1974, granting a revocable permit to McCormick and Baxter Creosoting Company, Incorporated to reconstruct and maintain an existing gate in the street area of N. Van Houten Place, and declaring an emergency,

and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

McCORMICK AND BAXTER CREOSOTING COMPANY, INC.

BY: *[Signature]* Pres.[CORPORATE
SEAL]

P.O. Box 3048, Portland, Oregon 97208

Address

Approved as to form:

[Signature]
City Attorney

*When an acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

ORDINANCE NO. 139181

An ordinance granting a revocable permit to McCormick and Baxter Creosoting Company, Incorporated to reconstruct and maintain an existing gate in the street area of N. Van Houten Place, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that McCormick and Baxter Creosoting Company, Incorporated, PO Box 3048, 97208, has through Del Cooley, Plant Superintendent, requested permission to reconstruct and maintain an existing gate in N. Van Houten Place at the westerly line of the Union Pacific Railway Right-of-Way; that said gate is desirable for security reasons for all property between the railroad and the Willamette River; that all property owners are in favor of placing said gate; that the City Engineer, Traffic Engineer, and Fire Marshall under certain conditions approve granting the desired permission, and that granting said permission is not detrimental to the public interest; now, therefore, a revocable permit hereby is granted to McCormick and Baxter Creosoting Company, Incorporated, (hereinafter referred to as the grantee) to reconstruct and maintain an existing gate in the street area of N. Van Houten Place as described above subject to the following conditions:

- (a) This permit is revocable at any time and no expenditure of money hereunder, 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. Upon revocation of this permit by the Council, the grantee shall within 10 days remove the said gate from within the street area as required by and to the satisfaction of the City Engineer.
- (b) 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 thereon, including any appeals therefrom, which may result from the granting of this permit.
- (c) This permit is for the use of the street area only, and shall not exempt the grantee from taking out any license or obtaining any permit required by existing City Codes or Ordinances for any operation or maintenance performed under the permit hereby granted, nor shall this permit waive the provisions of any City Code, Ordinance, or the City Charter, except as herein stated.
- (d) This permit shall not become effective until the grantee shall have filed with the City Auditor, in form approved by

ORDINANCE No.

The City Attorney, evidence of insurance protecting the City of Portland, its officers, agents and employees, as follows: Bodily Injury \$50,000 for one claimant, \$300,000 from one occurrence. Property Damage \$25,000 for one claimant, \$300,000 from one occurrence, said insurance to be kept in full force and effect at all times and this permit revoked without further action by the Council if said insurance is permitted to lapse, or for any reason lapse, or be cancelled or for any other reason become inoperative.

(e) The grantee will not hold the Fire or Police Bureaus responsible for any damage to said gate as a result of obtaining access through it by cutting locks or whatever they deem necessary.

(f) The City Auditor shall cause a certified copy of this ordinance to be recorded by the Clerk of Multnomah County in the appropriate Records of Deeds in his office, and the grantee shall reimburse the City of Portland for the cost of such recording.



Section 2. This ordinance will not become effective until the grantee shall have filed with the City Auditor a document satisfactory to the City Attorney accepting the terms and conditions hereof.

Section 3. 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 the privilege granted herein may be had without undue delay, an emergency is hereby declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council. DEC 6 1974

Commissioner Connie McCreedy
JK:mw
11-26-74

Attest:


Mayor of the City of Portland

Auditor of the City of Portland

Calendar No. 3531

ORDINANCE No. 139181

Title

An ordinance granting a revocable permit to McCormick and Baxter Creosoting Company, Incorporated to reconstruct and maintain an existing gate in the street area of N. Van Houten Place, and declaring an emergency.

THURSDAY

Filed NOV 27 1974

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

By *Gordon Croell*
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS		
	Yeas	Nays
Ivancie	1	
Jordan	1	
McCready	1	
Schwab	1	
Goldschmidt		1

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
McCready	
Schwab	
Goldschmidt	

INTRODUCED BY

Commissioner Connie McCready

DRAWN BY

JK: mw

Date 11-26-74

NOTED BY THE COMMISSIONER

Affairs

Finance and
Administration

Safety

Utilities

Works *CRS*

City Attorney

NOTED BY THE CITY AUDITOR

APPROVED

Date 11/26/74

By *W. T. Monahan*
Acting City Engineer
William T. Monahan

Date

By