

145336

ACCEPTANCE

RECEIVED
JUN 14 8 45 AM 1978
GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.
BY *cll*

Portland, Oregon, March 10, 1978

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. 145336, passed by the Council March 9, 1978, granting a revocable permit to Union Pacific Railroad to construct and maintain two inlets and a man-hole in the street area of N. Railroad Street between Albina and Lewis Avenues, accepting their self-insurance program, repealing Ordinance No. 143853, 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,

[CORPORATE
SEAL]

UNION PACIFIC RAILROAD

BY:

* *J.P. Rogers*
General Manager

P. O. Box 4265
Portland, OR 97208

Address

Approved ~~APPROVED~~ AS TO FORM

Christopher P. Thomas
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.

145336

An Ordinance granting a revocable permit to Union Pacific Railroad to construct and maintain two inlets and a manhole in the street area of N. Railroad Street between Albina and Lewis Avenues, accepting their self-insurance program, repealing Ordinance No. 143853, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That Union Pacific Railroad, P.O. Box 8979, 97208, has through B. F. Bowers, requested permission to construct and maintain inlets and a manhole in the street area of N. Railroad Street between Lewis and Albina Avenue.
2. Said inlets and manhole are needed to control water problems in that unimproved street area.
3. That Union Pacific Railroad cannot comply with the insurance provision of Ordinance No. 143853, and that the City should accept Union Pacific Railroad self-insurance program in lieu of a standard insurance policy.
4. That under certain conditions granting the requested permission will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

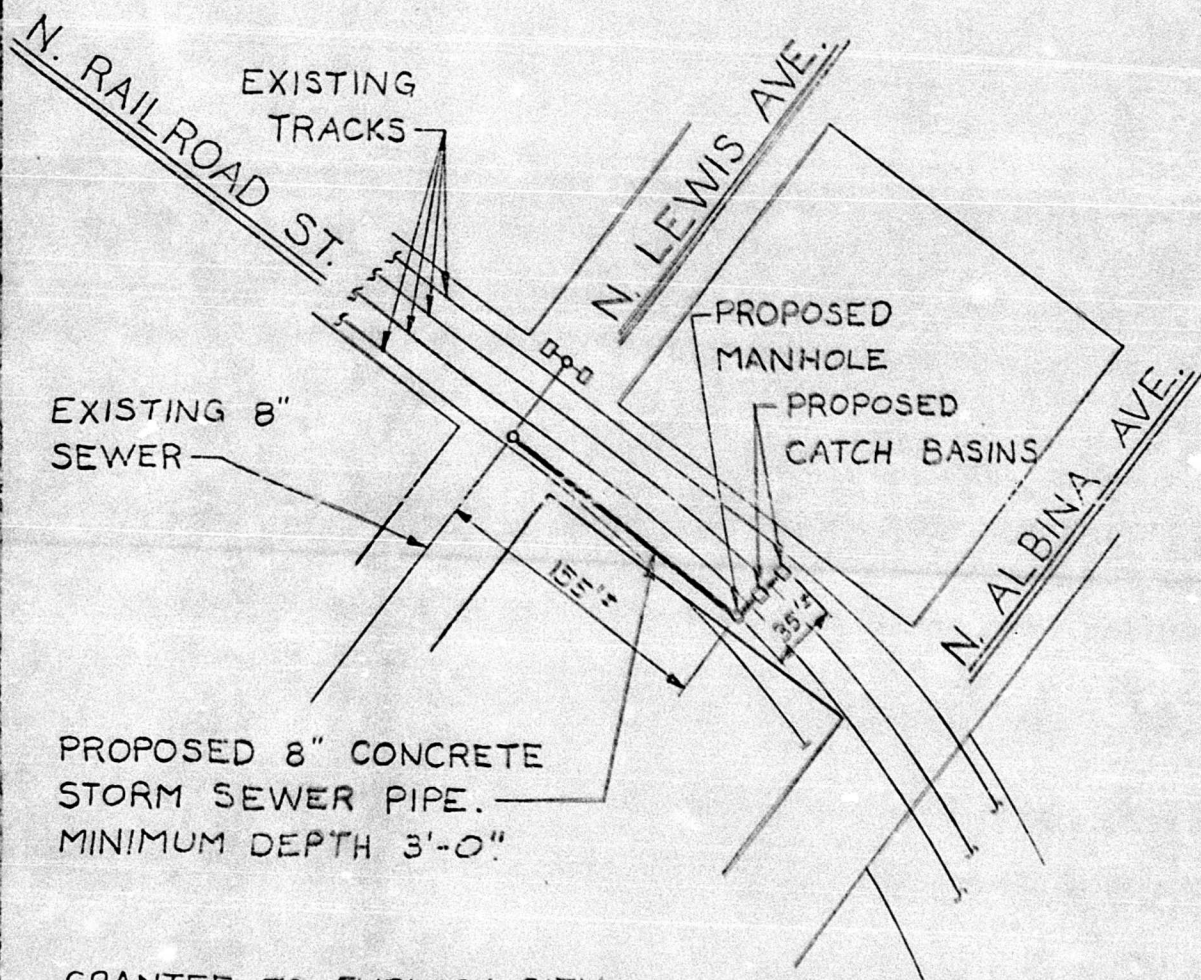
- a. "Ordinance No. 143853 granting a revocable permit to Union Pacific Railroad to construct and maintain two inlets and a manhole in the street area of N. Railroad Street between Albina and Lewis Avenues, and declaring an emergency." is hereby repealed.
- b. A revocable permit is granted to Union Pacific Railway, grantee, to install, use, and maintain two inlets, manhole, and necessary pipes located approximately as shown on the attached plan marked "Exhibit A" and made a part hereof by reference, and structurally approved by City Engineer, subject to the following conditions:
 - (1) This permit is for the use of the street area only, and 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.

EXHIBIT - "A"

145336

To construct and maintain two inlets, a manhole, and necessary pipes in the street area of N. Railroad Street between Albina and Lewis Avenues, & Section 28.

For: Union Pacific Railroad
P.O. Box 8979 97208



PROPOSED 8" CONCRETE
STORM SEWER PIPE.
MINIMUM DEPTH 3'-0"

GRANTEE TO FURNISH CITY
ENGINEER WITH "AS BUILT"
DRAWINGS UPON COMPLETION.



SCALE: 1" = 100'

APPROVED

6-1-77

By Charles W. Halling
City Engineer
Reg. Prof. Engr.

1 JUN 77

DR. BY: L.A.M. CK. BY: J.K.

ORDINANCE No.

- (2) 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. Upon revocation of this permit by the Council, the grantee shall within 60 days remove the said inlets and manhole and restore the street area as required by and to the satisfaction of the City Engineer.
- (3) 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 accepting their self-insurance program in lieu of standard insurance policy.
- (4) The grantee shall pay the permit fee of \$47.00 required by Section 17.24.020 of the City Code.
- (5) If, during construction under this permit, it becomes necessary or expedient to modify the location or the plan for the said inlets and manhole, the grantee shall first obtain the approval of the City Engineer on revised plans filed in duplicate with the City Engineer. One copy of the approved plan showing the change shall be filed by the City Engineer with the City Auditor to become a part of this Ordinance.

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

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

Passed by the Council, MAR 9 1978

Commissioner Connie McCreedy
Tom Turner:mw
February 9, 1978

Attest:

Mayor of the City of Portland

Auditor of the City of Portland

764
Calendar No. 601

ORDINANCE NO. 145336

Title

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Ivancie	1	
Jordan	1	
McCreedy	1	
Schwab	1	
Goldschmidt	1	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
McCreedy	
Schwab	
Goldschmidt	

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THURSDAY

FEB 23 1978

CONTINUED TO MAR 9 1978

Filed FEB 16 1978

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

By *Deanna Gaulton*
Deputy

INTRODUCED BY
Commissioner Connie McCreedy

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: Tom Turner
Date: 2-9-78
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>John M. Lang</i>

NOTED BY
City Attorney
City Auditor
City Engineer: <i>Charles Nellor</i>