

An Ordinance granting a revocable permit to the St. Johns Funeral Home, Inc. to maintain existing asphalt paving and an existing sign and electric conduit, and to maintain an extruded concrete curb in the street area of N Lombard Street, adjacent to Tax Lot (17), Section 12, T.1N.,R.1W.,W.M., repealing Ordinance No. 106944, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That Ordinance No. 106944 passed by the Council on October 30, 1957, granted a revocable permit to the St. Johns Funeral Home to pave and use for parking purposes an irregular piece of public right-of-way between their property line and the existing curb and sidewalk.
2. That a portion of the paved right-of-way now being used for parking will be removed and the area will be landscaped as part of the St. Johns Business District Improvements, as identified in the St. Johns Improvement plan.
3. That the St. Johns Funeral Home does not object to losing the portion of their parking area that will be landscaped.
4. That the granting of said permission, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. All conflicting provisions of the Code of the City hereby are waived and a revocable permit is granted to St. Johns Funeral Home, Inc., grantee, 7525 N Richmond Avenue, Portland, Oregon 97203, to maintain existing asphalt paving and an existing sign and electric conduit, and to maintain an extruded concrete curb in the street area of N Lombard Street, adjacent to Tax Lot (17), Section 12, T.1N.,R.1W.,W.M., subject to the following conditions:
 - (1) This permit is revocable at any time at the pleasure of the Council, 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.
 - (2) This permit is for the use of the street area only, and shall not exempt the grantee from obtaining any licenses or permit required by the City Code or Ordinance for any operation, construction and/or maintenance carried on under this permit, nor shall this permit waive the provision of any City Code, Ordinance, or the City Charter except as herein stated.

ORDINANCE No.

THE COMMISSIONERS VOTED

(3) This permit is personal to the grantee only and shall not run with the land.

(4) 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 cost 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.

(5) The grantee shall pay the permit fee of \$10.00 required by Section 17.24.020 of the City Code.

(6) 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. Ordinance No. 106944 entitled "An Ordinance granting a revocable permit to the St. Johns Funeral Home, 7303 N Leavitt Avenue, to pave and use for parking purposes a portion of the street area of N Columbia Boulevard and N Richmond Avenue, and declaring an emergency," hereby is repealed.

Section 3. 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.

Section 4. 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 applicants as to the status of the requested permit to maintain existing asphalt concrete, an existing sign and electric conduit, and an extruded concrete curb; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, JUN 29 1978

Commissioner Connie McCready
Harry Hendrickson:dmc
June 22, 1978

Gene Goodson
Mayor of the City of Portland

Attest:

Larry Johnson
Auditor of the City of Portland

Calendar No. 5313

ORDINANCE NO. 146629

INTRODUCED BY
Commissioner Connie McCready

NOTED BY THE COMMISSIONER

Debra

Calendar No. 2343

ORDINANCE No. 146029

Title

An Ordinance granting a revocable permit to the St. Johns Funeral Home, Inc. to maintain existing asphalt paving and an existing sign and electric conduit, and to maintain an extruded concrete curb in the street area of N Lombard Street, adjacent to Tax Lot (17), Section 12, T. 1N., R. 1W., W.M., repealing Ordinance No. 106944, and declaring an emergency.

THURSDAY

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

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
McCready	
Schwab	
Goldschmidt	

Filed JUN 23 1978

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

By *London Powell*
Deputy

INTRODUCED BY
Commissioner Connie McCready

NOTED BY THE COMMISSIONER

Affairs
Finance and Administration
Safety
Utilities
Works *M. Kelly*

BUREAU APPROVAL
Street & Structural Engineering
Prepared By: Harry Hendrickson
Date: 6-22-78
Budget Impact Review:

Bureau Head: *John M. Langley*

Completed Not required

NOTED BY

City Attorney
City Auditor *[Signature]*
City Engineer
Cowles Mallory