

Portland, Oregon, February ^{FEB 28 1921}.....1921.

We, the undersigned, to whom the privilege of laying a water main along a right of way of the City of Portland was granted by Ordinance No. 38658 of the said City, do hereby unqualifiedly accept all of the terms and conditions of said Ordinance No. 38658 entitled, "An Ordinance consenting to the laying and maintaining of a water main along a certain right of way of the City of Portland upon certain conditions, and declaring an emergency," passed by the Council January 12, 1921, as amended by Ordinance No. ~~38,897~~ entitled, "An Ordinance amending Section 2 of Ordinance No. 38658, and declaring an emergency," passed by the Council ^{MAR 2 1921}..... 1921, and hereby agree to comply with all of the terms thereof.

H. H. Meyer
.....
W. H. Richardson
.....

APPROVED AS TO FORM

Frank Grant
City Attorney

Ordinance No. 38658

An Ordinance consenting to the laying and maintaining of a water main along a certain right of way of the City of Portland upon certain conditions, and declaring an emergency.

The City of Portland Does Ordain as Follows:

Section 1. Whereas the City of Portland has heretofore acquired a twenty-foot right of way for a water main along the north line of the Southwest quarter of Section 19, Township 1 North, Range 2 East, W. M., Multnomah County, Oregon, and whereas C. A. Michaelson and Henry M. Meyer are the owners of certain property in said quarter section, and whereas, they desire to lay, at their own cost and expense, a one and one-quarter-inch water main along a portion of said right of way of the City of Portland for the purpose of supplying water to their said property; now therefore, The City of Portland does hereby consent to the laying of a one and one-quarter-inch water main within that portion of said right of way bounded and described as follows: Commencing at a point on the north line of the Southwest Quarter of Section 19, Township 1 North, Range 2 East, W. M. which is 1520 feet East of the East line of said quarter section, running thence east along said north line of said quarter section a distance of 640 feet; thence south 20 feet; thence west and parallel with said north line of said quarter section a distance of 640 feet; thence north 20 feet to the place of beginning, and to the making of a connection of said one and three-quarter inch main with the three-inch main of the Englewood Park Water Company which is connected with the thirty-inch water main of the City of Portland laid in said right of way, which consent is hereby granted upon the following express conditions:

That the said one and one-quarter-inch water main herein referred to shall be laid in accordance with stakes to be set by the Bureau of Water Works of the City of Portland and as directed by the Engineer of said Bureau;

That said C. A. Michaelson and Henry M. Meyer shall save the City of Portland free from all loss and/or damage that may result to its said thirty-inch main in said right of way by reason of the laying and maintaining of said one and three-quarter-inch main, and,

That the City of Portland shall be held free from any and all liability for damage to said one and one-quarter-inch water main and free from any liability for loss sustained by said C. A. Michaelson and Henry M. Meyer, their heirs and assigns, on account of any breakage, repair, reconstruction and/or maintenance of

the City's thirty-inch main.

Section 2. The consent hereby expressed is granted upon the express condition that said C. A. Michaelson and Henry M. Meyer file a written unqualified acceptance of all of the terms of this ordinance, and this ordinance shall be void unless such written consent shall be filed with the Auditor of the City of Portland within ten days after this ordinance becomes effective.

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: That it is desired that water be supplied to the property of said C. A. Michaelson and Henry M. Meyer without delay, therefore an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council JAN 12 1921

John L. DeMar
Mayor of the City of Portland

Attest: *Geoffrey B. Frank*
Auditor of the City of Portland

1-8-21
Comm. Mann
WM

OK.
BSue.

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