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GEORGE YERKOVICH, CH. AUDITOR  
CITY OF PORTLAND, ORE.

# ACCEPTANCE

BY DC

Portland, Oregon, January 17, 1980

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. 149037, passed by the Council January 16, 1980, granting a revocable permit to Concordia College of Portland, Oregon, to install, use, and maintain a private natural gas service line in and under the street area of the alley in the block bounded by NE 29th and NE 30th Avenues and NE Portland Boulevard and NE Holman Street at permit fee of \$10.00, and declaring an emergency,

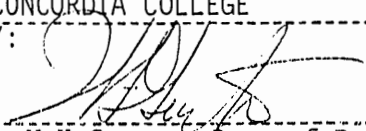
and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

[CORPORATE  
SEAL]

CONCORDIA COLLEGE

BY:

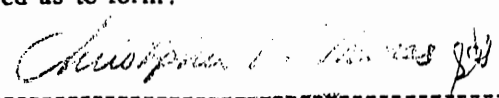


W.H. Gustav, Dean of Business Affairs

2811 NE Holman, Portland, OR 97211

Address

Approved as to form:



City Attorney

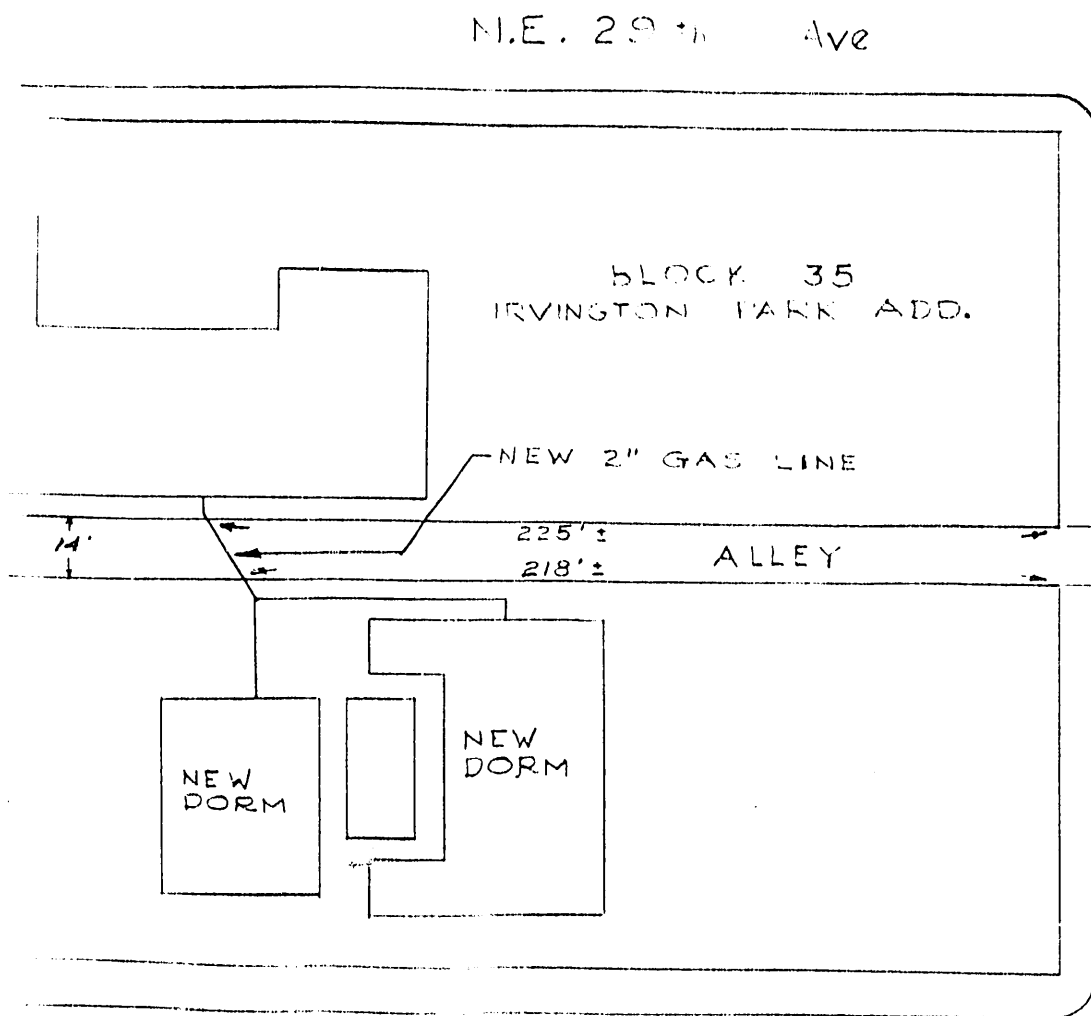
\*When an acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

# EXHIBIT - "A"

To install, use, and maintain a private natural gas line in the alley of Block 35, Irvington Park Addition.  $\frac{1}{4}$  Section 2433

1490.37

For: Concordia College of Portland Oregon  
2811 NE Holman Street  
Portland, Oregon 97211



N.E. PORTLAND Blvd.

**APPROVED**

Scale - 1" = 50'  
Drawn by H.G.S.

N.E. 30th Ave.

By John M. Langston  
City Engineer  
Reg. Prof. Engr.

1490.37

ORDINANCE NO. **149037**

An Ordinance granting a revocable permit to Concordia College of Portland, Oregon, to install, use, and maintain a private natural gas service line in and under the street area of the alley in the block bounded by NE 29th and NE 30th Avenues and NE Portland Boulevard and NE Holman Street at permit fee of \$10.00, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Concordia College of Portland, Oregon, 2811 NE Holman Street, Portland, 97211, has requested permission to install, use and maintain a private natural gas service line in and under the street area of the alley in the block boundary bounded by NE 29th and NE 30th Avenues and NE Portland Boulevard and NE Holman Street.
2. The pipe line is needed to provide service to new dormitories being constructed on the block described above.
3. The plan for the location of the pipe line has been approved by the City Engineer and is attached to this ordinance as "Exhibit A."
4. The desired pipe line would not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted to Concordia College of Portland, Oregon, permittee, to install, use and maintain a private natural gas service line in and under the alley in Block 35, Irvington Park Addition and located as shown on the plan marked "Exhibit A" attached to and by this reference made a part of this ordinance, subject to the following conditions:
  - (1) This permit is for the use of the street area only, and shall not exempt the permittee 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.
  - (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 permittee any vested or other right. Upon revocation of this permit by the Council, the permittee shall within 30 days remove the gas service line, and restore the street area as required by and to the satisfaction of the City Engineer.

ORDINANCE No.

149037

- (3) The permittee 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.
- (4) The permittee shall pay the permit fee of \$10.00 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 pipeline, the permittee 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.
- (6) The permittee shall maintain the surface of the street area above the said pipeline including pavements, driveways and graded areas from the settlement, and in the event that it shall become necessary for the City of Portland to make street repairs or fills on account of such settlement, the permittee shall agree to reimburse the said City for any cost incurred in connection therewith.

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

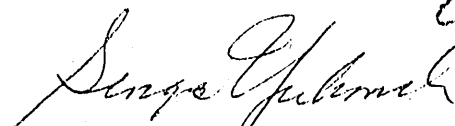
Section 3. The Council declares that an emergency exists because delay in the enactment of this Ordinance will result in an unnecessary hardship on the part of the applicant as to the status of the requested permit for construction of a pipeline in the alley of Block 35, Irvington Park Addition; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, JAN 16 1980

Commissioner Mike Lindberg  
Harlan Scott/sg  
January 8, 1980

  
Mayor of the City of Portland

Attest:

  
Auditor of the City of Portland

Calendar No. 153

ORDINANCE No. 149037

Title

An Ordinance granting a revocable permit to Concordia College of Portland, Oregon, to install, use, and maintain a private natural gas service line in and under the street area of the alley in the block bounded by NE 29th and NE 30th Avenues and NE Portland Boulevard and NE Holman Street at permit fee of \$10.00, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	/	
Jordan	/	
Lindberg	/	
Schwab	/	
McCready	/	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

Filed JAN 11 1980

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

By Gordon [Signature]  
Deputy

INTRODUCED BY
COMMISSIONER MIKE LINDBERG

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <u>ML/SJ</u>

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: Harlan Scott/sg      Date: 1/8/80
Budget Impact Review: <input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head: <u>[Signature]</u> David J. Vargas, Acting Chief

NOTED BY
City Attorney
City Auditor
City Engineer      APPROVED: John M. Lang, Acting City Engr.
By: <u>David J. Vargas [Signature]</u>