

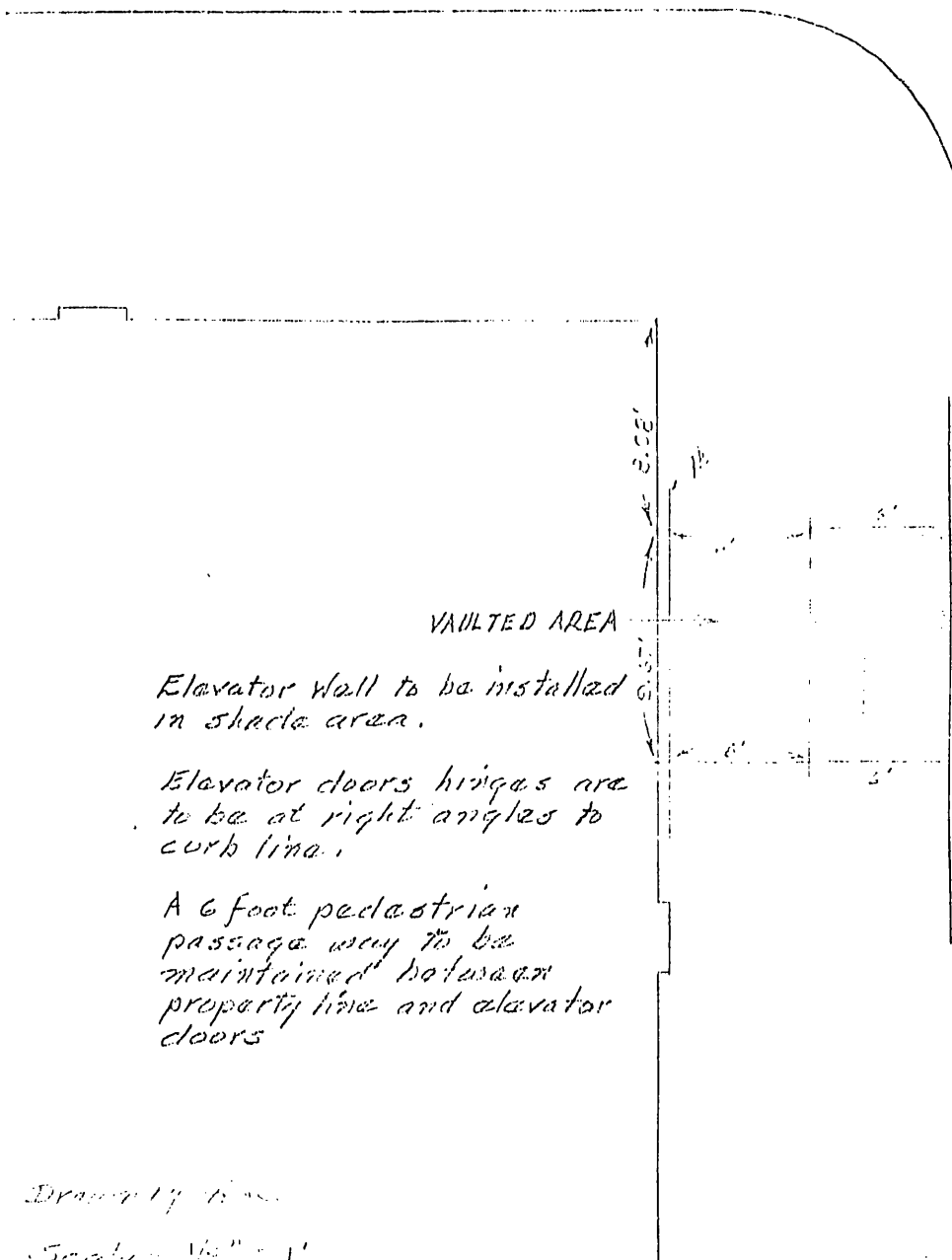
EXHIBIT - "A"

149083

To construct and maintain an elevator well in the street area adjacent to Lots 5 and 8, Block 48, Couch's Addition, $\frac{1}{4}$ -3029.

For: Western International Properties, 1220 SW Morrison
Portland, Oregon 97205

N.W. Glisan St.



N.W. 6th Ave.

APPROVED

Drawn by [illegible]

Scale - 1/4" = 1'

By _____
City Engineer
Reg. Prof. Engr.

ORDINANCE NO. **149083**

An Ordinance granting a revocable permit to LLP Co., David Light, and Western International Properties to construct and maintain a sidewalk elevator well with appropriate appurtenances in the westerly side of NW 6th Avenue between NW Flanders and NW Glisan Streets, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Section 17.44.010 of the City Code requires Council approval for construction of any structure in the street right of way not authorized by the City Engineer to issue.
2. Zimmer, Gunsul and Frasca, 111 SW Oak Street, Portland 97204, have requested on behalf of the owners LLP Co. and David Light and the leasee, Western International Properties, permission to construct and maintain a sidewalk elevator well and appurtenances for their building at 427 NW 6th Avenue.
3. The purpose of the proposed installation is to provide loading into and out of the basement of 427 NW 6th Avenue.
4. The area for which this installation is proposed is an existing vaulted sidewalk.
5. The granting of this request will not be detrimental to the public interest under certain conditions.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is hereby granted to LLP Co. and David Light, owners, and Western International Properties, leasee, 12220 SW Morrison Street, Portland, 97205, permittees, to construct and maintain an elevator well in the street area adjacent to Lots 5 and 8, Block 48, Couch's Addition, and located as shown on the map marked "Exhibit A", attached to and by this reference made a part of this Ordinance, subject to the following conditions:
 - (1) The plans and specifications for the sidewalk elevator wells and appurtenances shall be approved by the Bureau of Buildings.
 - (2) The elevator installation will be in accordance with applicable rules of the State of Oregon and by permit issued by the Department of Commerce of the State of Oregon, and Part IV, Power Sidewalk Elevators, Sections 400, 401 and 402, American National Safety Institute Code ANSI A17.1-1978.

- (3) This permit is for the use of the street area only, and shall not exempt the permittee from obtaining 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.
- (4) A minimum passageway of six (6) feet will be maintained for pedestrians between the elevator doors and the adjacent property line.
- (5) 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 permittees any vested or other right. Upon revocation of this permit by the Council, the permittees shall within 30 days relocate the walls of the vaulted area as directed by the City Engineer and reconstruct them in accordance with the rules and regulations of the Bureau of Buildings, fill the vaulted area with granular material approved by the City Engineer, and reconstruct the sidewalk.
- (6) The permittees 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 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.
- (7) The City of Portland shall accept the insurance required in Section 1, a. (6) above from the leasee named herein providing that the owner of the property places on file with the City a document which acknowledges their responsibility to see that the insurance required is maintained and that they, the owners, will if notified by the City of a lapse or cancellation of insurance, furnish the City the required insurance within 24 hours of being notified or immediately remove the structure authorized by this Ordinance and rebuild the sidewalk.
- (8) The permittee shall pay the permit fee of \$10.00 required by Section 17.24.020 of the City Code.

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(9) Operation criteria:

- a. When not in operation the elevator will be kept in its down position and the sidewalk doors will be closed.
- b. When the elevator is being raised, pedestrians will be warned of the fact either by an automatic warning device approved by the Bureau of Buildings, or by the presence of an individual to prevent the raising of the elevator with a pedestrian standing upon or walking across the sidewalk doors.
- c. The sidewalk elevator will not be raised sooner than 15 minutes prior to a delivery and will be placed in the down position and the sidewalk doors closed within 15 minutes of the completion of a delivery.
- d. Failure to comply with (7) a. through (7) c. is cause for revocation of this permit.

- (10) The permittee shall reimburse the City for the cost of filing, by the City Auditor, a certified copy of this Ordinance with the Records Division of Multnomah County.

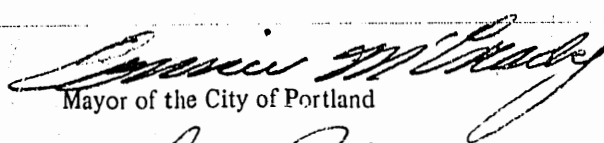
Section 2. This Ordinance will not become effective until the permittee has filed with the City Auditor both a document accepting the terms and conditions hereof, and evidence of insurance, each of which has been approved by the City Attorney.


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; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **JAN 30 1980**

Commissioner Mike Lindberg
Harlan Scott:mh
December 20, 1979

Attest:


Mayor of the City of Portland


Auditor of the City of Portland

351
Calendar No. 254

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Title

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JAN 24 1980

CONTINUED TO JAN 30 1980

Filed JAN 18 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

Deputy

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

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY	
Commissioner Mike Lindberg	

NOTED BY THE COMMISSIONER	
Affairs	
Finance and Administration	
Safety	
Utilities	
Works	ML/SA

BUREAU APPROVAL	
Bureau:	Street & Structural Engineering
Prepared By:	Date:
Harlan Scott	12-20-79
Budget Impact Review:	
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required	
Bureau Head:	David J. Vargas, Acting Chief

NOTED BY	
City Attorney	
City Auditor	
City Engineer	Approved: John M. Lang, Acting City Engr.
By:	Richard E. Johnson