

ORDINANCE NO. 149206

An Ordinance granting a revocable permit to Lewis E. Alexander and Fern T. Alexander to construct and maintain a private gravity flow sanitary sewer in and under the street area of N. Amherst Street and N. Dana Avenue, providing for acceptance of conditions, providing for payment of a \$42.25 fee, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Lewis E. Alexander and Fern T. Alexander, 4333 N. Willamette Boulevard, Portland, Oregon 97203, have requested permission to construct and maintain a private gravity flow sanitary sewer in and under the street area of N. Amherst Street and N. Dana Avenue to serve Tax Lot (1) of Lots 1, 7, 8, 9, 10 and 11, La Duke Terrace.
2. The private sewer is needed to provide necessary sanitary service to an existing single family residence.
3. The plan for the private sewer, attached to this Ordinance as "Exhibit A", has been approved by the City Engineer.
4. The desired private sewer, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit to run with the land is granted to Lewis E. Alexander and Fern T. Alexander to construct and maintain a private gravity flow sanitary sewer in and under N. Amherst Street and N. Dana Avenue to serve Tax Lot (1) of Lots 1, 7, 8, 9, 10 and 11, La Duke Terrace, as shown on the plan attached to this Ordinance as "Exhibit A", subject to the following conditions:
 - (1) This permit is for the use of the street area only, and shall not exempt the grantees 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 grantees any vested or other right. Upon revocation of this permit by the Council, the grantees shall within

ORDINANCE NO.

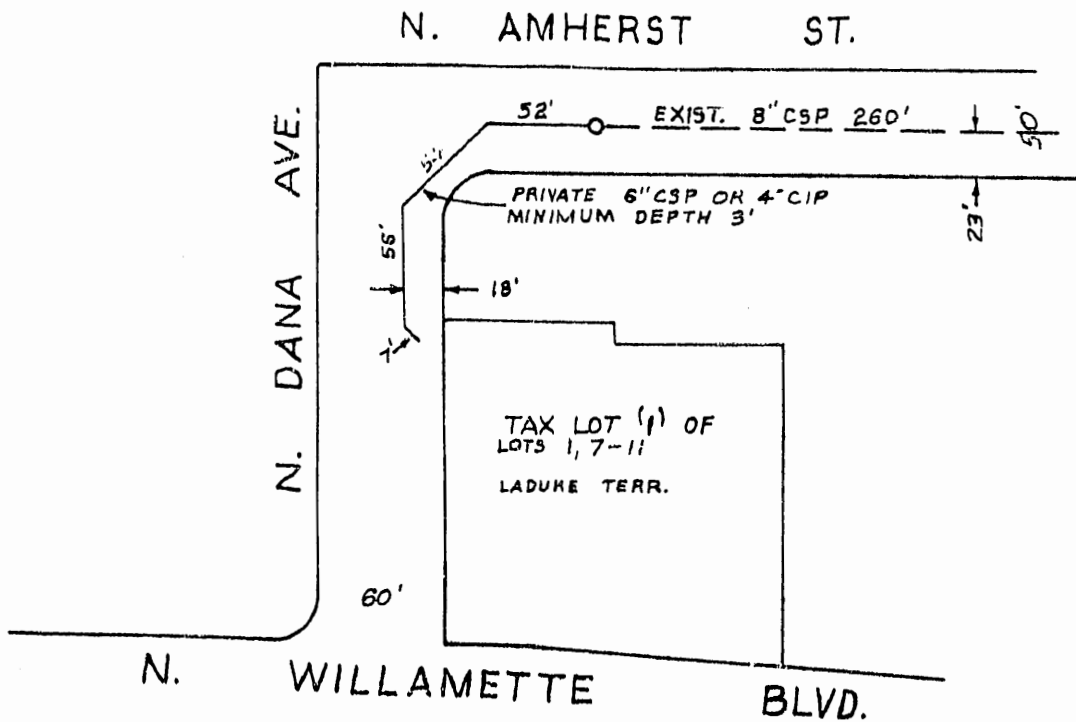
30 days remove the said private sewer and restore the street area as required by and to the satisfaction of the City Engineer.

- (3) The grantees 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 grantees shall pay the permit fee of \$42.25 required by Section 17.24.020 of the City Code.
- (5) Before construction begins, the grantees shall obtain from the Traffic Engineer his requirements as to hours to work, traffic control, and the placing of necessary signs and barricades.
- (6) If, during construction under this permit, it becomes necessary or expedient to modify the location or the plan for the private sewer as to size or type of material, the grantees shall first obtain the approval of the City Engineer on revised plans filed in duplicate with the City Engineer. One copy of the approved plans showing the change shall be filed by the City Engineer with the City Auditor to become a part of this Ordinance.
- (7) The laying of said private sewer within the street area shall be as directed by and to the satisfaction of the City Engineer. Any maintenance required by any portion of said installation within street area shall be attended to by the grantees immediately at their own cost as directed by and to the satisfaction of the City Engineer. The grantees shall also maintain surface of the street in the affected area to the satisfaction of the City Engineer.
- (8) This permit shall run with the land as to the conditions and obligations herein imposed and shall be binding upon the present owner or owners of Tax Lot (1) of Lots 1, 7, 8, 9, 10 and 11 La Duke Terrace, their heirs and assigns as long as such permit shall remain in effect.
- (9) That the sanitary sewer shall not be extended or altered in any manner to provide for use by any party other than the single family residences at 4333 N. Willamette Boulevard.
- (10) Grantees hereby covenant and agree that said property owned by them shall be counted in favor of any sewer lines

EXHIBIT - "A"

149206

FOR: Lewis E. Alexander & Fern T. Alexander
4333 N. Willamette Boulevard
Portland, Oregon 97203



APPROVED

SCALE NONE
DRAWN BY L.L.B.
CHECKED BY
1/4 SEC. 2328, SEC. 17, T. 1N., R. 1E. W.M.

By *[Signature]*
Acting City Engineer
Reg. Prof. Engr.

ORDINANCE No.

which shall be planned by the City of Portland for serving the property described above, and further covenant and agree not to remonstrate against the construction of any such sewer line and the assessment of said property for its proportionate portion of the cost thereof.

- (11) 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 grantees shall reimburse the City of Portland for the cost of such recording.

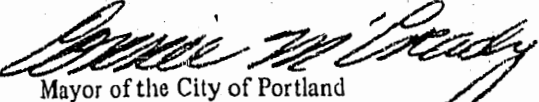
Section 2. This Ordinance will not become effective until the grantees have filed with the City Auditor a document, which has been approved by the City Attorney, accepting the terms and conditions hereof.


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 applicants as to the status of the requested permit for construction of a private sewer in the street area of N. Amherst Street and N. Dana Avenue; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, FEB 28 1980

Commissioner Mike Lindberg
Harry Hendrickson:jmh
February 7, 1980

Attest:


Mayor of the City of Portland


Auditor of the City of Portland

Calendar No. 738

ORDINANCE No. 149206

Title

An Ordinance granting a revocable permit to Lewis E. Alexander and Fern T. Alexander to construct and maintain a private gravity flow sanitary sewer in and under the street area of N. Amherst Street and N. Dana Avenue, providing for acceptance of conditions, providing for payment of a \$42.25 fee, and declaring an emergency.

THURSDAY

Filed FEB 21 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *George Yerovich*
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	1	
Jordan	1	
Lindberg	1	
Schwab	1	
McCready	1	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY
COMMISSIONER MIKE LINDBERG

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <i>ML/mqz</i>

BUREAU APPROVAL
Bureau: & Street & Stru. Engr'g. Sanitary Engineering
Prepared By: <i>Harry Hendrickson</i> Date: <i>2/7/80</i>
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>Joe P. Niehuser</i> <i>David J. Vargas</i> Joe P. Niehuser David J. Vargas

NOTED BY
City Attorney
City Auditor
City Engineer <i>John M. Lang</i> Approved: <i>John M. Lang</i> John M. Lang, Acting City Eng.

ORDINANCE No.

which shall be planned by the City of Portland for serving the property described above, and further covenant and agree not to remonstrate against the construction of any such sewer line and the assessment of said property for its proportionate portion of the cost thereof.

- (11) 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 grantees shall reimburse the City of Portland for the cost of such recording.

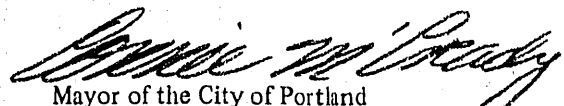
Section 2. This Ordinance will not become effective until the grantees have filed with the City Auditor a document, which has been approved by the City Attorney, accepting the terms and conditions hereof.


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 applicants as to the status of the requested permit for construction of a private sewer in the street area of N. Amherst Street and N. Dana Avenue; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, FEB 28 1980

Commissioner Mike Lindberg
Harry Hendrickson:jmh
February 7, 1980

Attest:


Mayor of the City of Portland


Auditor of the City of Portland

Calendar No. 738

ORDINANCE No. 149206

Title

An Ordinance granting a revocable permit to Lewis E. Alexander and Fern T. Alexander to construct and maintain a private gravity flow sanitary sewer in and under the street area of N. Amherst Street and N. Dana Avenue, providing for acceptance of conditions, providing for payment of a \$42.25 fee, and declaring an emergency.

THURSDAY

Filed FEB 21 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *Jordan* Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	1	
Jordan	1	
Lindberg	1	
Schwab	1	
McCready	1	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY
COMMISSIONER MIKE LINDBERG

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <i>ML/mgz</i>

BUREAU APPROVAL
Bureau: & Street & Stru. Engr'g. Sanitary Engineering
Prepared By: <i>Harry Hendrickson</i> Date: <i>2/7/80</i>
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>Joe P. Niehuser</i> <i>David J. Vargas</i>
Joe P. Niehuser David J. Vargas

NOTED BY
City Attorney
City Auditor
City Engineer Approved: <i>John M. Lang</i>
John M. Lang, Acting City Eng.