

ORDINANCE NO. 149209

An Ordinance granting a revocable permit to Richard R. Grocott and Terry L. Grocott to construct and maintain a 42 inch high wooden fence projecting not more than 6 inches into the street area of SE 41st Avenue and SE Sherman Street at a fee of \$10.00, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Richard R. Grocott and Terry L. Grocott, 2283 SE 41st Avenue, Portland, Oregon 97214, have requested permission to construct and maintain a 42 inch high wooden fence projecting not more than 6 inches into the street area of SE 41st Avenue and SE Sherman Street from the property line and adjacent to the south $\frac{1}{2}$ of Lot 6 and the east 17 feet of the south $\frac{1}{2}$ of Lot 7, Block 7, Howes Addition.
2. That the fence is needed to provide for the safety of small children that play in the yard.
3. That the granting of said permission, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council Directs:

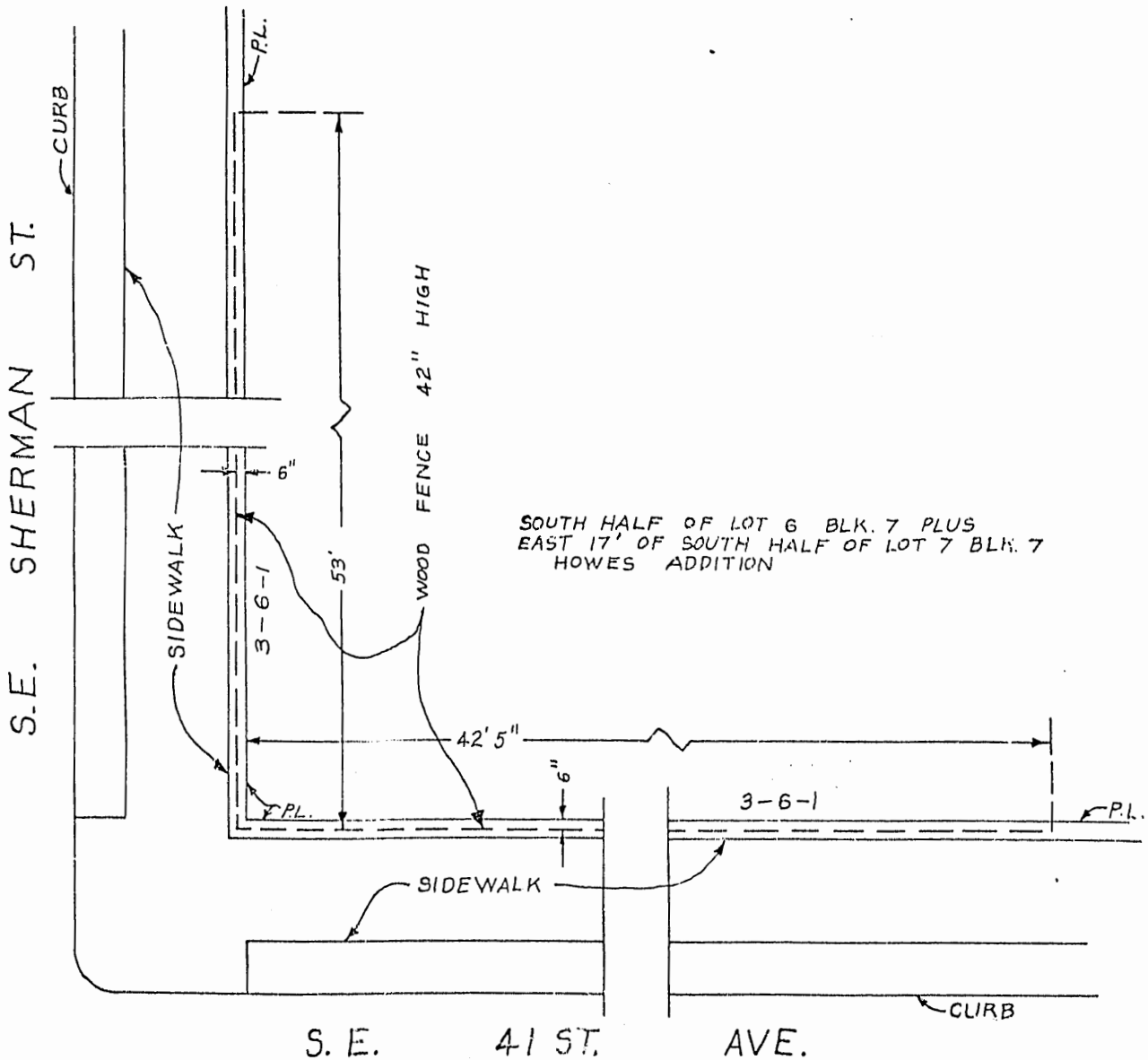
- a. A revocable permit is granted to Richard R. Grocott and Terry L. Grocott, grantees, to construct and maintain a 42 inch high wooden fence in the street area of SE 41st Avenue and SE Sherman Street as previously described above and as shown on the plan attached to this Ordinance as "Exhibit A", subject 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 operation or maintenance to be performed under this permit, nor shall this permit waive the provisions of any City Code, Ordinance, or the City Charter.
 - (2) The 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 grantees any vested or other right. Upon revocation of this permit by the Council, the grantees

EXHIBIT - "A"

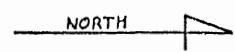
149209

To Construct and Maintain a 42 inch high wooden fence in SE 41st Ave. & SE Sherman St.

FOR: Richard R. Grocott & Terry L. Grocott
2283 SE 41st Ave.
Portland, Oregon 97214



APPROVED



SCALE : NONE
DRAWN BY: L.L.B.
CHECKED BY: H.H.4
1/4 SEC. 3234, SEC. 1 T. 15, R. 1 E., W.M.

By John M. Longmeyer
Acting City Engineer
Reg. Prof. Engr.

ORDINANCE No.

shall within thirty (30) days remove said fence from the street area, the said removal to be as directed 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 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.
- (4) The grantees shall pay the permit fee of \$10.00 required by Section 17.24.020 of the City Code.
- (5) This permit is personal to the grantees only and does not run with the land, nor may the same be transferred, assigned, or otherwise disposed of by said grantees.
- (6) The grantees shall reimburse the City for the cost of filing by the City Auditor of a certified copy of this Ordinance with the Records Division of Multnomah County.

Section 2. This Ordinance will not become effective until the grantees have 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 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 to construct and maintain a fence in the street area; 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 13, 1980

Attest:


Mayor of the City of Portland


Auditor of the City of Portland

Calendar No. 711

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Title

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THURSDAY

Filed FEB 22 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

George Yerkovich
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/mgt</i>

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: Harry Hendrickson/jmh
Date: 2/13/80
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>David J. Vargus</i>
David J. Vargus, Acting Chief

NOTED BY
City Attorney
City Auditor
City Engineer Approved: <i>[Signature]</i>
John M. Lang, Acting City Engr.
By: <i>David J. Vargus</i>