

MAR 10 2 20 PM 1980

ACCEPTANCE

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

BY GC

Portland, Oregon, March 7 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. 149265, passed by the Council March 6, 1980, granting a revocable permit to Portland State University to install and maintain 4 water pipes under the sidewalk area and above the sidewalk area with a protective covering on the south side of SW Montgomery Street east of SW Broadway, 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,

PORTLAND STATE UNIVERSITY

* BY:

[Signature] 3/10/80

P.O. Box 751, Portland, OR 97207

Address

[CORPORATE SEAL]

Approved as to form: APPROVED AS TO FORM

[Signature]

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.

ORDINANCE NO. **149265**

An Ordinance granting a revocable permit to Portland State University to install and maintain 4 water pipes under the sidewalk area and above the sidewalk area with a protective covering on the south side of SW Montgomery Street east of SW Broadway, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Portland State University, P.O. Box 751, Portland, Oregon 97207, has through William C. Neland, Director, Physical Plant, made written application to install and maintain 4 water pipes under the sidewalk area on the south side of SW Montgomery Street east of SW Broadway and above the sidewalk attached to a column of an existing pedestrian bridge to where they will then connect to existing water lines on the under side of the said bridge. The pipes attached to the column will be incased with a protective cover.
2. These pipes are temporary in nature, in that they will provide the heating and cooling energy for project Phases I and II of the Professional Schools Building constructed on University property.
3. That these temporary pipes will be removed from the public right of way at this location when Phase III of the project is completed, and at that time be relocated to an above ground location on the underside of the south extension of the existing pedestrian bridge through the Phase III building.
4. 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 Portland State University (grantee) to install and maintain 4 water pipes under and above the sidewalk area on the south side of SW Montgomery Street east of SW Broadway, on a temporary basis as above described, and as shown on plans approved by the Bureau of Buildings, and at a location approved by the City Engineer, subject to the following conditions:

ORDINANCE NO.

- (1) This permit is for the use of the street area only, and shall not exempt the grantee from taking out any license or obtaining any permit required by existing City Codes or Ordinances for any operation or maintenance performed under the permit hereby granted, 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 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 grantee any vested or other right. Upon revocation of this permit by the Council, the grantee shall within 30 days remove the said 4 water pipes from within the street area as required by and to the satisfaction of the City Engineer.
- (3) The grantee 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 thereon, including any appeals therefrom, which may result from the granting of this permit.
- (4) This permit shall not become effective until the grantee shall have filed with the City Auditor, in form approved by the City Attorney, evidence of insurance protecting the City of Portland, its officers, agents and employees, as follows:
Bodily Injury \$50,000 for one claimant, \$300,000 from one occurrence. Property Damage \$25,000 for one claimant, \$300,000 from one occurrence, said insurance to be kept in full force and effect at all times and this permit revoked without further action by the Council if said insurance is permitted to lapse, or for any reason lapse, or be cancelled or for any other reason become inoperative.

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

ORDINANCE No.

Section 3. The Council declares that an emergency exists because delay in the enactment of this Ordinance will result in unnecessary hardship of uncertainty on the part of the applicant as to the status of the requested permit for the said 4 water lines; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

ORDINANCE NO. 149265

MAR 6 1980

Section 3. The Council declares that an emergency exists because delay in the enactment of this Ordinance will result in unnecessary hardship of uncertainty on the part of the applicant as to the status of the requested permit for the said 4 water lines; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

MAR 6 1980

Passed by the Council, MAR 6 1980

Commissioner Mike Lindberg
Harry Hendrickson:jmh
February 25, 1980

Attest:

Ernie W. Brady
Mayor of the City of Portland

George Gutwirth
Auditor of the City of Portland

Calendar No. 822

ORDINANCE No. 149265

Title

An Ordinance granting a revocable permit to Portland State University to install and maintain 4 water pipes under the sidewalk area and above the sidewalk area with a protective covering on the south side of SW Montgomery Street east of SW Broadway, and declaring an emergency.

THURSDAY

Filed FEB 29 1980

GEORGE YERKOVICH Auditor of the CITY OF PORTLAND

By Gordon [Signature] Deputy

Table with 3 columns: Commissioner Name, Yeas, Nays. Rows include Ivancie, Jordan, Lindberg, Schwab, and McCready.

Table with 2 columns: Commissioner Name, [Blank]. Rows include Ivancie, Jordan, Lindberg, Schwab, and McCready.

INTRODUCED BY COMMISSIONER MIKE LINDBERG

NOTED BY THE COMMISSIONER. Categories: Affairs, Finance and Administration, Safety, Utilities, Works. Includes handwritten initials ML/SA.

BUREAU APPROVAL. Bureau: Street and Structural Engineering. Prepared By: Harry Hendrickson/jmh. Date: 2/25/80. Budget Impact Review: [X] 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: David J. Vargas.

149265

ORDINANCE No.

Section 3. The Council declares that an emergency exists because delay in the enactment of this Ordinance will result in unnecessary hardship of uncertainty on the part of the applicant as to the status of the requested permit for the said 4 water lines; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

ORDINANCE NO. 149265

5111

Section 3. The Council declares that an emergency exists because delay in the enactment of this Ordinance will result in unnecessary hardship of uncertainty on the part of the applicant as to the status of the requested permit for the said 4 water lines; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

5111

ORDINANCE NO. 149265

Passed by the Council, MAR 6 1980

Commissioner Mike Lindberg
Harry Hendrickson:jmh
February 25, 1980

David M. Priddy
Mayor of the City of Portland

Attest:

George Felton
Auditor of the City of Portland

Calendar No. 822

ORDINANCE No. 149265

Title

An Ordinance granting a revocable permit to Portland State University to install and maintain 4 water pipes under the sidewalk area and above the sidewalk area with a protective covering on the south side of SW Montgomery Street east of SW Broadway, and declaring an emergency.

THURSDAY

Filed FEB 29 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By Gordon Crowell
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 <u>ML/SA</u>

BUREAU APPROVAL
Bureau: Street and Structural Engineering
Prepared By: Harry Hendrickson/jmh
Date: 2/25/80
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <u>David J. Vargas</u> David J. Vargas, Acting Chief

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

149265