

RECEIVED

149315

AUD 50-25-640

APR 7 10 22 AM 1980

GEORGE B. FORREST III, AUDITOR
CITY OF PORTLAND, ORE.

ACCEPTANCE

BY _____

Portland, Oregon, _____ March 21 _____ 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. 149315, passed by the Council March 20, 1980, granting a re-
vocable permit to George B. Forrest III and Lila M. Forrest to maintain an
existing 3½ foot high rock retaining wall extending not more than 2 feet
into the street area of N Greenwich Avenue between N Portland Boulevard
and N Dekum Street at a 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,

George B. Forrest III

George B. Forrest III

Lila M. Forrest

Lila M. Forrest

[CORPORATE
SEAL]

6534 N. Greenwich Ave., Portland, OR 97217

Address

APPROVED AS TO FORM
Approved as to form:

Christopher P. ...

CITY ATTORNEY
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. **149315**

An Ordinance granting a revocable permit to George B. Forrest III and Lila M. Forrest to maintain an existing 3½ foot high rock retaining wall extending not more than 2 feet into the street area of N. Greenwich Avenue between N. Portland Boulevard and N. Dekum Street at a fee of \$10.00, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. George B. Forrest III and Lila M. Forrest, 6534 N. Greenwich Avenue, Portland, Oregon 97217, have requested permission to maintain an existing 3½ foot high rock retaining wall extending into the street area of N. Greenwich Avenue not more than 2 feet from the property line of Lot 15, Block 1, Wilburton.
2. That the retaining wall was built to provide for filling behind the wall to eliminate the slope and make the front yard all the same height.
3. That the granting of said permission, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

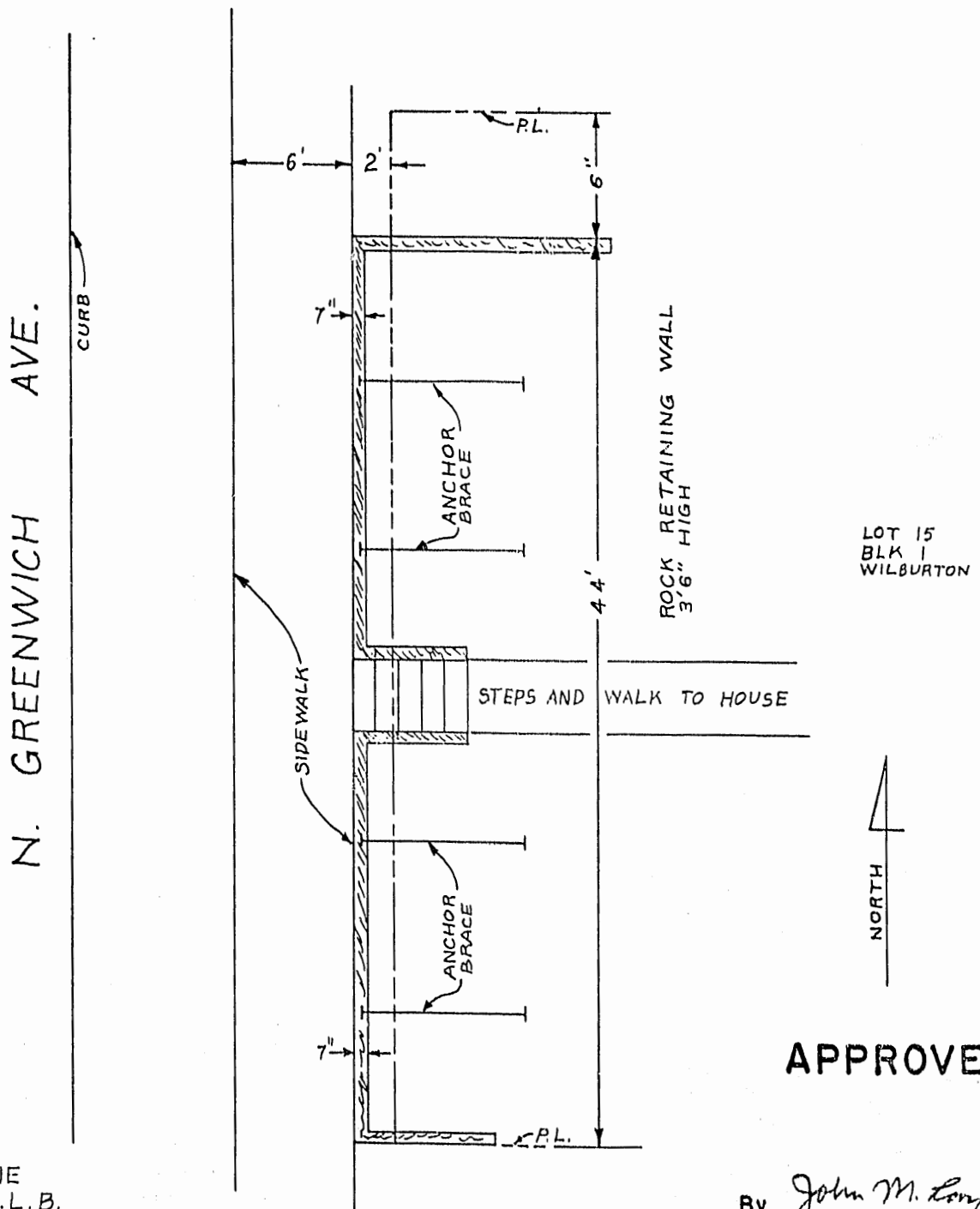
- a. A revocable permit is granted to George B. Forrest III and Lila M. Forrest, grantees, to maintain an existing 3½ foot high rock retaining wall in the street area of N. Greenwich Avenue as previously described above and as shown on the plan attached to this Ordinance as "Exhibit A", subject to the 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 shall within thirty (30) days remove said retaining wall from the street area, the said removal to be as directed by and to the satisfaction of the City Engineer.

EXHIBIT - "A"

149315

To maintain an existing 3½' high rock retaining wall in the street area of N. Greenwich Avenue

For: George B. Forrest III and Lila M. Forrest
6534 N. Greenwich Avenue
Portland, Oregon 97217



APPROVED

SCALE : NONE
DRAWN BY: L.L.B.
CHECKED BY: HAH
1/4 SEC. 2328, SEC. 16 T.1N., R.1E., W.M.

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

ORDINANCE No.

- (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 cost 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.
- (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.

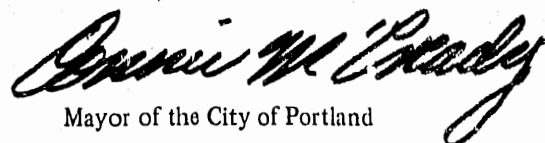
Section 2. This Ordinance will not become effective until the grantees have filed with the City Auditor both a document accepting the terms and conditions hereof, and the evidence of insurance, each of which has been approved by the City Attorney.

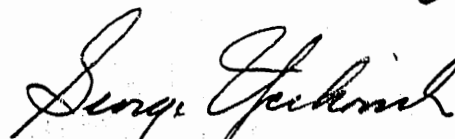
Section 3. The Council declares that an emergency exists because delay in the enactment of this Ordinance will result in an unnecessary hardship on the part of the applicants as to the status of the requested permit to maintain a wall in the street area; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, MAR 20 1980

Commissioner Mike Lindberg
Harry Hendrickson:jmh
March 7, 1980

Attest:


Mayor of the City of Portland


Auditor of the City of Portland

Calendar No. 985

ORDINANCE No. 149315

Title

An Ordinance granting a revocable permit to George B. Forrest III and Lila M. Forrest to maintain an existing 3½ foot high rock retaining wall extending not more than 2 feet into the street area of N. Greenwich Avenue between N. Portland Boulevard and N. Dekum Street at a fee of \$10.00, and declaring an emergency.

THURSDAY

Filed MAR 14 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *Gordon J. [Signature]*
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: 3/7/80
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>David J. Vargay</i> David J. Vargay, Acting Chief

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