

RECEIVED

AUD 50 APR 21 12 34 PM 1980

149348

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

ACCEPTANCE

BY *[Signature]*

Portland, Oregon, March 31, 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. 149348, passed by the Council March 27, 1980, granting a revocable permit to Richard H. Lord to construct and maintain a private road across S.W. 10th Avenue near its terminus south of S.W. Clifton Street.

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,

Richard H. Lord
Richard H. Lord

[CORPORATE
SEAL]

Address
643 S.W. Burlingame Terrace, (01)

Approved **AS TO FORM**

[Signature]

City Attorney

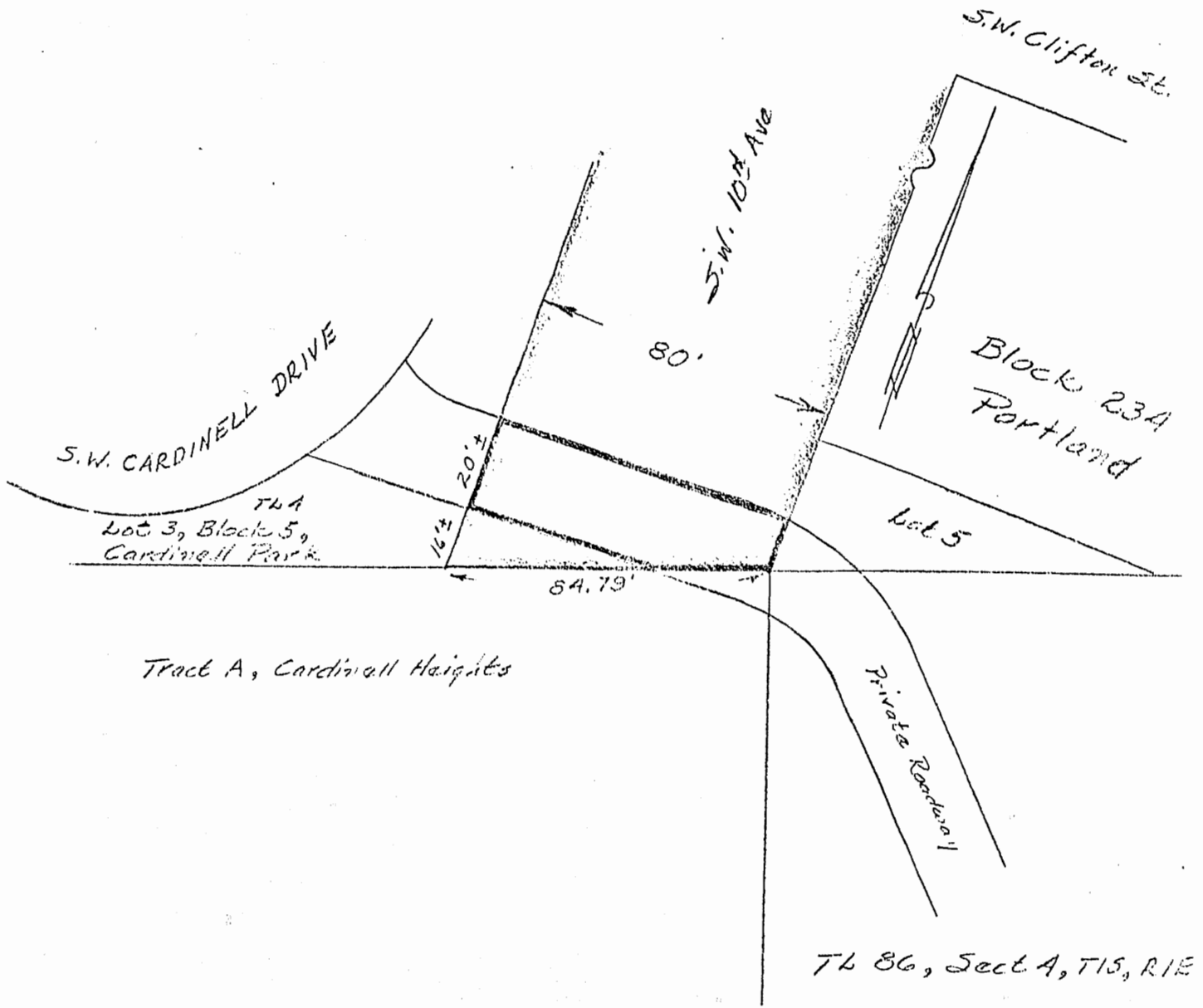
*When an acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

EXHIBIT - "A"

149348

To: Construct and maintain a private road across the right-of-way of S.W. 10th Avenue adjacent to Tract A, Cardinell Heights, Lot 5, Block 234, Portland, and Tax Lot 86, Section 4, T1S, R1E, W.M.

For: Richard H. Lord
643 S.W. Burlingame Terrace
Portland, Oregon 97201



Drawing Not To Scale
Drawn by HGS
1/4 Sect. 3228

T1S, R1E, Sect 4, Tax Lot 86
CARDINELL CONDOMINIUMS

APPROVED

By _____
City Engineer
Reg. Prof. Engr.

ORDINANCE NO. 149348

An Ordinance granting a revocable permit to Richard H. Lord to construct and maintain a private road across S.W. 10th Avenue near its terminus south of S.W. Clifton Street, 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 within the street right-of-way which the City Engineer is not authorized to issue.
2. Richard H. Lord, owner of Lot 5, Block 234, Portland and Tax Lot 86, Section 4, T1S, R1E, W.M. which are adjacent to the terminus of S.W. 10th Avenue south of S.W. Clifton Street, has requested permission to construct a private roadway across this portion of S.W. 10th Avenue which is unimproved and which because of its slope is unlikely to be improved at the location shown on the map marked "Exhibit A" attached to this Ordinance.
3. The reason for this request is to allow access to the above described properties from S.W. Cardinell Drive which because of the area's topography is the most practical method of ingress and egress.
4. The granting of this request, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted to Richard H. Lord, 643 S.W. Burlingame Terrace, Portland, 97201, permittee, to construct and maintain a private road across the right-of-way of S.W. 10th Avenue to serve the properties described in Section 1-2 above 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 permittee shall submit plans of the private roadway for approval by the City Engineer.
 - (2) This permit is for the use of the street area only, and shall not exempt the permittee 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.

- (3) 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 permittee any vested or other right. Upon revocation of this permit by the Council, the permittee shall within 30 days remove the driveway and restore the street area as required by and to the satisfaction of the City Engineer.
- (4) The permittee shall pay the permit fee of \$180.00 required by Section 17.24.020 of the City Code.
- (5) The permittee 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.
- (6) This permit is personal to the permittee and shall not run with the land.
- (7) The permittee shall hold the City of Portland, the City Engineer, and each and all of the officers and employees of the City free and harmless from any claims for damages to persons or property which may be occasioned by any construction, maintenance, and/or use of the street area under the permit hereby granted.
- (8) The permittee shall protect the City of Portland, its officers, agents, and employees by providing insurance as follows:
Bodily injury \$100,000 for one claimant, \$300,000 for one occurrence. Property damage \$50,000 for one claimant, \$300,000 for 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 be cancelled or, for any other reason, become inoperative.

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

ORDINANCE No.

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

ORDINANCE NO. 110318

MAY

An Ordinance amending the provisions of the City of Portland Charter, Chapter 21, Section 21.02, relating to the definition of "private roadway" and to require that a permit for construction of a private roadway be in accordance with the provisions of the City of Portland Charter, Chapter 21, Section 21.02.

MAY 27 1980

MAY 27 1980

CITY OF PORTLAND

Passed by the Council, MAY 27 1980

Commissioner Mike Lindberg
Harlan Scott:jmh
March 11, 1980

Clayton M. Lundy
Mayor of the City of Portland

Attest:

Serge Tchirikov
Auditor of the City of Portland

1070

Calendar No.

ORDINANCE No. 149318

Title

An Ordinance granting a revocable permit to Richard H. Lord to construct and maintain a private road across S.W. 10th Avenue near its terminus south of S.W. Clifton Street, and declaring an emergency.

THURSDAY

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/ST</i>

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: Harlan Scott:jmh Date: 3/11/80
Budget Impact Review: <input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head: <i>D Vargas</i> David J. Vargas, Acting Chief

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

Filed MAR 21 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By: *[Signature]*
Deputy

100000