

AUD APR 21 12 34 PM 1980

GEORGE YERKOVICH, AUDITOR  
CITY OF PORTLAND, ORE.

# ACCEPTANCE

BY EC

Portland, Oregon, April 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. 149349, passed by the Council March 27, 1980, authorizing Richard H. Lord to construct multiple dwellings more than 250 feet from a dedicated and improved street, S.W. Cardinell Drive at S.W. 10th Avenue,

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*

[CORPORATE SEAL]

\* 24 Oregon Yacht Club

Portland OR 97202

Address

### APPROVED AS TO FORM

Approved as to form:

*Christopher P. Thomas*

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. **149319**

An Ordinance authorizing Richard H. Lord to construct multiple dwellings more than 250 feet from a dedicated and improved street, S.W. Cardinell Drive at S.W. 10th Avenue, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Section 17.88.020 of the City Code requires Council approval for construction of multiple dwellings which, or any portion of which, are more than 250 feet from a dedicated street abutting the lot, block, or tract.
2. Richard H. Lord, who is the owner of a tract of land abutting S.W. Cardinell Drive and S.W. 10th Avenue, has requested that that the provisions of Section 17.88.020 of the City Code be waived so that a 30 unit condominium can be constructed on said property.
3. The City Engineer and the Bureaus of Building, Fire, Planning, Traffic, and Water do not object to granting said request subject to the conditions set forth below.
4. The waiving of the provisions of Section 17.88.020 of the City Code would not be detrimental to the public interest under certain conditions.

NOW, THEREFORE, the Council directs:

- a. The provisions of Section 17.88.020 of the City Code are hereby waived for the benefit of Richard H. Lord, 643 S.W. Burlingame Terrace, Portland 97201, so that a 30 unit condominium can be constructed on Lot 5, Block 234, Portland and Tax Lot 86, Section 4, T1S, R1E, W.M., subject to the following conditions:
  - (1) The grantee shall comply with the requirements of the Bureau of Fire as agreed to by the grantee with the Fire Marshal.
  - (2) The grantee understands and agrees that private roads within the area referred to will not be maintained by the City, and further agrees that no attempt will be made at a later date to dedicate said private roads to the City.

- (3) The grantee understands and agrees that the Portland Bureau of Police does not patrol private roads and agrees no effort will be made at a later date to require the Bureau of Police to do so within the project area.
- (4) The grantee hereby agrees to hold harmless the Bureau of Fire for any liability for property damage caused by City fire apparatus operating within the project area. This shall include not only the grantee's property but property of the tenants or anyone within the area. Said agreement includes any legal fees and costs of defending any action or suit resulting from the Bureau of Fire operating within the project area.
- (5) The grantee shall protect the City of Portland, its officers, agents and employees and hold them free and harmless from any claims for damages or property including legal fees and costs of defending any actions or suits thereon which may be occasioned by the waiving of the Code provisions herein referred to.
- (6) This Ordinance does not exempt the grantee from taking out any permit for any construction of said multiple dwellings or their appurtenances, or compliance with the requirements of any City ordinance or policy relating to such construction except as stated herein.
- (7) This agreement shall be deemed to run with the land and shall equally bind the grantees, successors, and/or assigns of the grantee to the conditions contained in this Ordinance.
- (8) The grantee 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 shall not be effective and no building permit for said multiple dwellings upon the specified property shall be issued until the grantee has accepted the terms and provisions of this Ordinance in writing in a form approved by the City Attorney.

## ORDINANCE No.

Section 3. Inasmuch as this Ordinance is necessary for the immediate preservation for the public health, peace and safety of the City of Portland in this: In order that construction of the multiple dwellings, as herein mentioned, may be commenced and carried forward by the grantee without unnecessary delay; therefore, an emergency hereby is declared to exist and this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, MAY 27 1980

Commissioner Mike Lindberg  
Harlan Scott:jmh  
March 11, 1980

Attest:

  
Mayor of the City of Portland

  
Auditor of the City of Portland

1071  
Calendar No.

**ORDINANCE No. 149349**

**Title**

An Ordinance authorizing Richard H. Lord to construct multiple dwellings more than 250 feet from a dedicated and improved street, S.W. Cardinell Drive at S.W. 10th Avenue, and declaring an emergency.

**THURSDAY**

Filed MAR 21 1980

**GEORGE YERKOVICH**  
Auditor of the CITY OF PORTLAND

By *Gordon*  
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/SA</i>         |

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| 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. Vargast</i><br>David J. Vargast, Acting Chief         |

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| NOTED BY   |
| City Attorney  |
| City Auditor   |
| City Engineer Approved: <i>J. Lang</i><br>John M. Lang, Acting City Eng. |
| By: <i>JV</i>  |