

APR 16 9 04 AM 1980

149350

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

ACCEPTANCE ^{BY} _____

Portland, Oregon, _____ March _____ 31, _____ 19 80

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. 149350, passed by the Council March 27, 1980, granting a revocable permit to Robert L. Gortmaker, 10175 S.W. Barbur Boulevard, Portland, Oregon, 97219, to construct and maintain a footbridge between a house and a garage within a City sewer easement.

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,

Robert L. Gortmaker

Robert L. Gortmaker

[CORPORATE SEAL]

Address

10175 S.W. Barbur Blvd, Portland, OR. (19)

APPROVED AS TO FORM
Approved as to form:

William P. Thomas

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. 149350

An Ordinance granting a revocable permit to Robert L. Gortmaker, 10175 SW Barbur Boulevard, Portland, Oregon, 97219, to construct and maintain a footbridge between a house and a garage within a City sewer easement, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Robert L. Gortmaker proposes construction of a footbridge between an existing house at 734 SW Cheltenham Street and a proposed garage within a City sewer easement on Lot 9, Cheltenham Addition, Section 16, 1S, 1E, W.M.
2. Robert L. Gortmaker has requested permission to complete said construction and to maintain the footbridge within the sewer easement.
3. Under certain conditions allowing this construction will not be detrimental to the public interest.

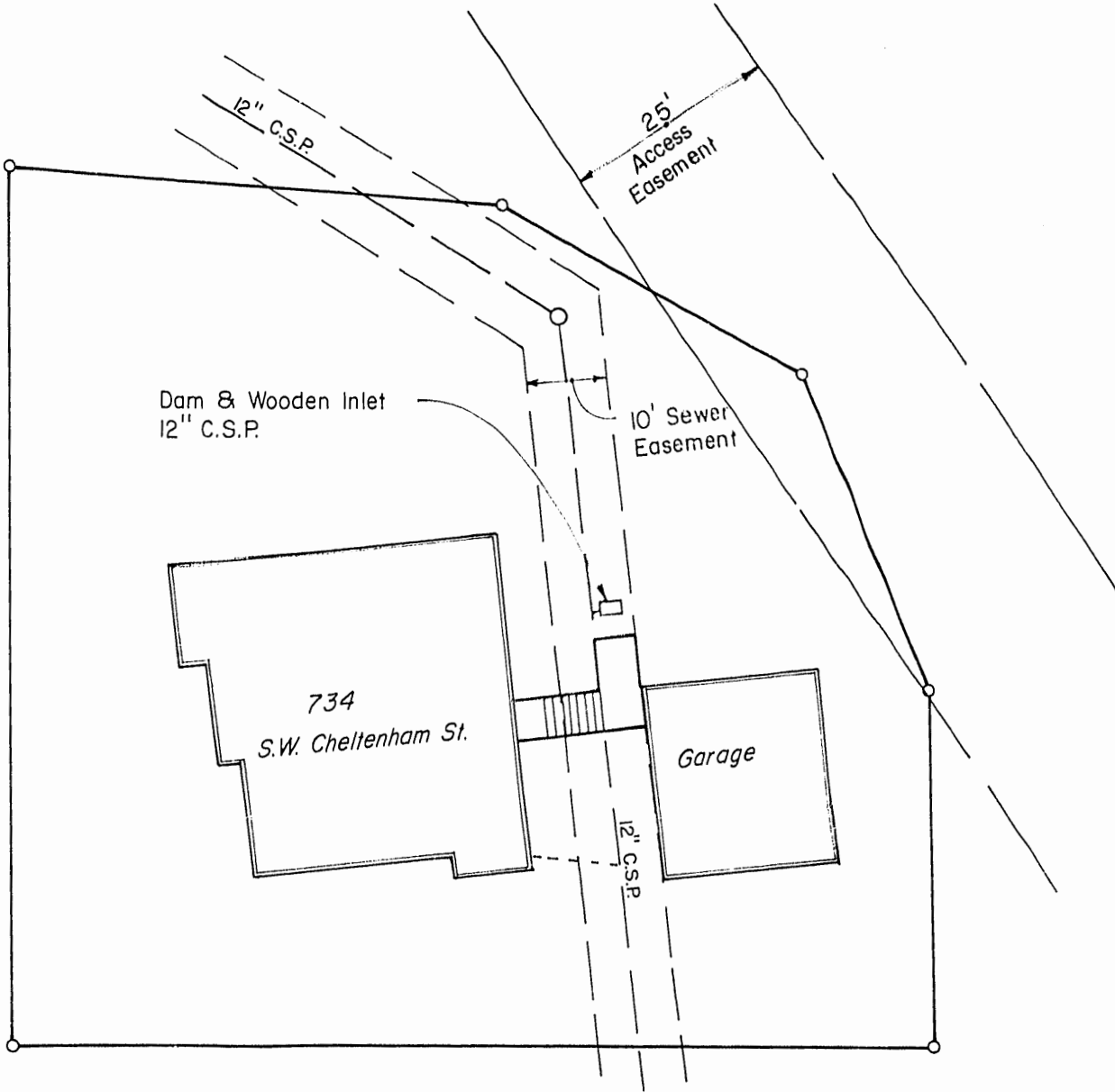
NOW, THEREFORE, the Council directs:

A revocable permit is granted to Robert L. Gortmaker (hereinafter known as the grantee) to construct and maintain a footbridge within a City sewer easement as heretofore described, and in accordance with the attached plan marked Exhibit "A", subject to the following conditions:

- (a) The grantee agrees to reimburse the City for any repairs, alterations or maintenance of said sewer system required to be made by the City by reason of any damage caused directly or indirectly by the construction, operation or maintenance of said footbridge.
- (b) The grantee agrees to pay extra costs for repair, maintenance, reconstruction, or replacement of the sewer due to the existence of the footbridge.
- (c) The grantee assumes all risk for damages to the footbridge or to any personal property located on said footbridge resulting directly or indirectly from failure of the sewer or from settlement of the trench backfill.
- (d) The grantee agrees that the City has the right of access to maintain, repair, reconstruct, renew or replace said sewer where it traverses the property provided that in exercising said rights, the City acts in a reasonable and prudent manner.

EXHIBIT - "A"

129350



Lot 9, *CHELTENHAM*
Located in Quarter Section 3628
Section 16, T. 1S, R. 1E, W.M.



Scale: 1" = 20'

APPROVED

By *Robert Longoria*
Acting City Engineer
Reg. Prof. Engr. 8416

ORDINANCE No.

- (e) The grantee agrees that the covenants and agreements hereinbefore mentioned are made in an adjustment of the mutual relationships arising out of the existing interests of the respective parties in the land above-described, and are intended to be and hereby construed as covenants running with the land above-described, and as such are to be binding on the grantee and his successors and assigns.
- (f) The grantee shall hold the City of Portland, the City Engineer and each and all of the officers and employees of said City free and harmless from all claims for injury or damage to persons or property which may be occasioned by the issuance of this permit, including claims of third parties.

Section 2. This permit shall not become effective until the grantee shall have filed with the City Auditor a document satisfactory to the City Attorney and City Engineer, accepting the terms and conditions thereof.

Section 3. The City Auditor shall cause a certified copy of this ordinance to be recorded by the County Clerk of Multnomah County in the appropriate record of deeds in his office, and the grantee shall reimburse the City of Portland for the cost of such recording, this permit not being effective until such reimbursement has been made.


Section 4. The Council declares that an emergency exists because delay in the completion of construction would place an undue hardship upon the grantee; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, **MAY 27 1980**

Commissioner Mike Lindberg
W. A. Korsak:es
March 5, 1980
BUG No. 14621610


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No. 1072

ORDINANCE No. 149350

Title

An ordinance granting a revocable permit to Robert L. Gortmaker, 10175 SW Barbur Boulevard, Portland, Oregon, 97219, to construct and maintain a footbridge between a house and a garage within a City sewer easement, and declaring an emergency.

THURSDAY

| THE COMMISSIONERS VOTED AS FOLLOWS: | | |
|-------------------------------------|------|------|
| | Yeas | Nays |
| Ivancie | | |
| Jordan | | |
| Lindberg | | |
| Schwab | | |
| McCready | | |

| FOUR-FIFTHS CALENDAR | |
|----------------------|--|
| Ivancie | |
| Jordan | |
| Lindberg | |
| Schwab | |
| McCready | |

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|----------------------------|
| INTRODUCED BY |
| Commissioner Mike Lindberg |

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| NOTED BY THE COMMISSIONER |
| Affairs |
| Finance and Administration |
| Safety |
| Utilities |
| Works <i>MLK</i> Public Works |

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| BUREAU APPROVAL |
| Bureau: Sanitary Engineering |
| Prepared By: W. A. Korsak Date: 3/5/80 |
| Budget Impact Review: <input type="checkbox"/> Completed <input type="checkbox"/> Not required |
| Bureau Head: <i>J. P. Niehuser</i> J. P. Niehuser |

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| NOTED BY |
| City Attorney |
| City Auditor |
| City Engineer <i>John M. Lang</i> John M. Lang |
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Filed MAR 21 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

BY *Gordon Croell*
Deputy