



ORDINANCE NO. 149384

An Ordinance granting a revocable permit to Kenneth M. Winters and Anne B. Winters to install and maintain a concrete landing with exposed aggregate finish, decorative cedar screens not to exceed 6 feet in height and landscaping in the street area of SW Menefee Drive adjacent to Lot 11, Block 4, Terwilliger Heights at a fee of \$10.00, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Kenneth W. Winters and Anne B. Winters, 5400 SW Menefee Drive, Portland, Oregon 97201, have requested permission to construct and maintain a concrete landing with an exposed aggregate finish in the street area between the property line and the edge of the paved roadway, and to erect 3 decorative wooden screens not to exceed 6 feet in height in the concrete landing and to landscape the street area from the property line to the edge of the paved roadway that is adjacent to their property and not covered by the concrete landing.
2. That the improvements have been requested for the purpose of enhancement and to provide for more privacy to their property.
3. That the granting of this permission, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted to Kenneth W. Winters and Anne B. Winters, grantees, to install and maintain a concrete landing with an exposed aggregate finish, decorative cedar screens and landscaping in the street area of SW Menefee Drive as previously described above and as shown on the location plan attached to this Ordinance as "Exhibit A", subject to the following conditions:
  - (1) The grantees shall pave the said street area with concrete in accordance with a plan approved by the City Engineer. No work shall begin until said detailed plan has been approved by the City Engineer.
  - (2) This permit in no way alters the rights or privileges to the said street area normally enjoyed by the general public in having access and the right to use a dedicated public right-of-way.
  - (3) The landscaping in the street area shall be approved by the Park Bureau's Forester prior to the time it is planted.

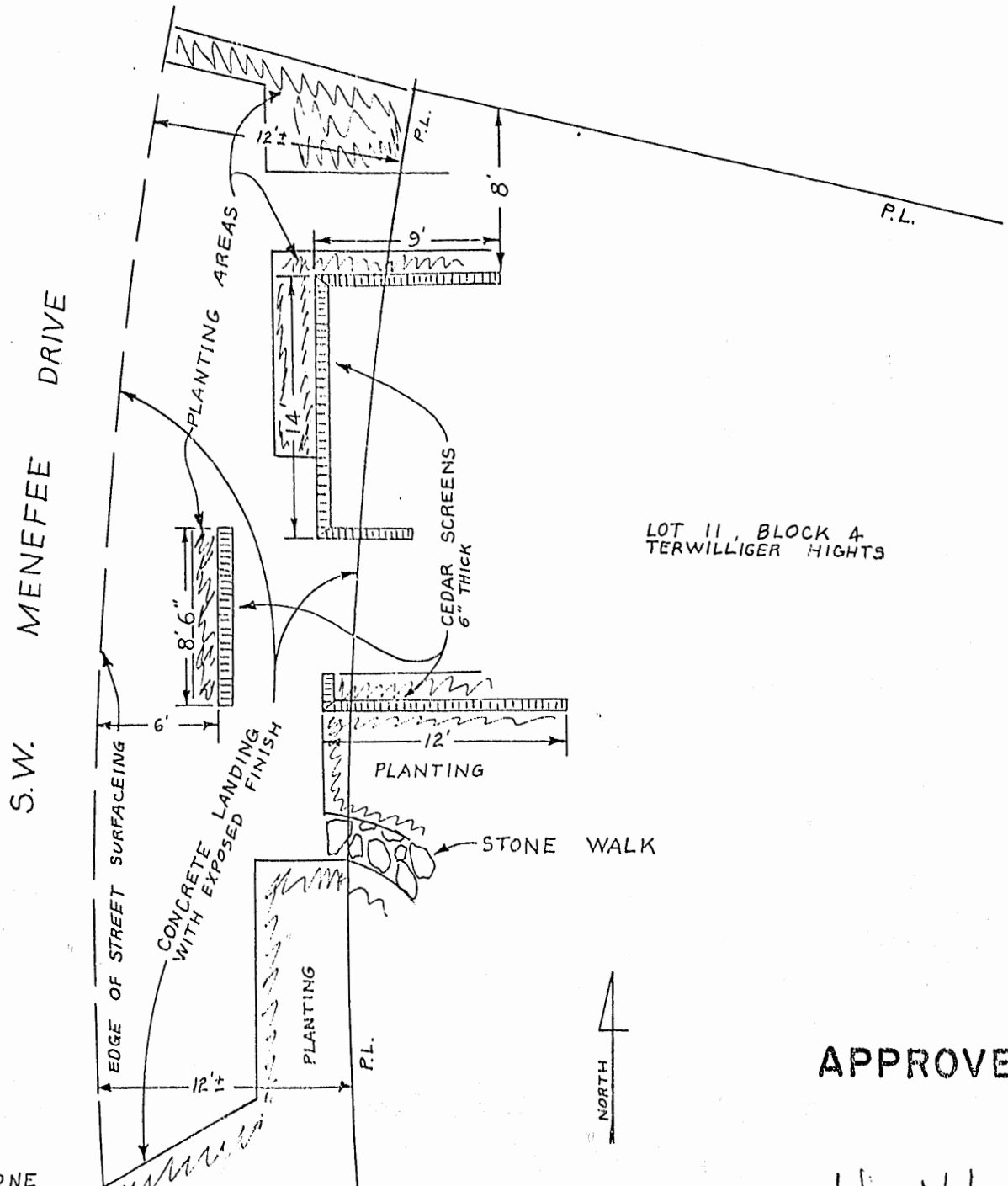
- (4) The grantees shall pay all costs for necessary repairs and/or damage to existing public or private utilities that may result from the placement of all items that are to be installed and maintained by the grantees under this permit.
- (5) The grantees acknowledge the existence of public or private utilities in this area and agree to provide access for any utility construction, maintenance, repair and/or operation, and further that the City, utility company or their contractor will not be responsible for restoration of a payment for any of the improvements, including landscaping and trees existing in the public right-of-way if such things are damaged or destroyed in the course of maintenance or replacement of existing sewer, water facilities and/or utilities.
- (6) This permit, so granted to the Winters, will not in any manner, interfere with or prevent the City of Portland from granting permits or rights of access to utility companies for the construction, maintenance and/or operation of their facilities in this area.
- (7) Nothing in this Ordinance shall be construed to imply that the City is relinquishing any of its street rights. This permit is conditioned that the grantees will reimburse the City for all additional costs for engineering, construction, reconstruction, alteration, repair or maintenance for any municipal utility, street or other public improvement which may hereafter be built within the present boundaries of SW Menefee Drive, fronting the grantees' property resulting from said installation of the improvements granted under this permit.
- (8) 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 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.
- (9) The grantees shall pay the permit fee of \$10.00 required by Section No. 17.24.020 of the City Code.
- (10) 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 grantees any vested or other right. Upon revocation of

# EXHIBIT - "A"

149384

To install and maintain a concrete landing, decorative wooden screens and landscaping in the street area of SW Menefee Drive

For: Kenneth M. Winters & Anne B. Winters  
5400 SW Menefee Drive  
Portland, Oregon 97201



LOT 11, BLOCK 4  
TERWILLIGER HEIGHTS

APPROVED

SCALE NONE  
DRAWN BY L.L.B.  
CHECKED BY *AAH*  
1/4 SEC. 3528, SEC. 16 T.15., R.1E. W.M.

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

ORDINANCE No.

this permit by the Council, the grantees shall within 30 days remove the improvements and restore the street area as required by and to the satisfaction of the City Engineer.

- (11) 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 costs 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.

- (12) This permit is personal to the grantees and shall not run with the land. 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 of uncertainty on the part of the applicant as to the status of the requested permit for said use of SW Menefee Drive; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **APR 9 1980**

Commissioner Mike Lindberg  
 Harry A. Hendrickson:jmh  
 March 18, 1980

Attest:

*Connie Wilbur*  
 Mayor of the City of Portland

*George Gelman*  
 Auditor of the City of Portland

## ORDINANCE No. 149384

### Title

An Ordinance granting a revocable permit to Kenneth M. Winters and Anne B. Winters to install and maintain a concrete landing with exposed aggregate finish, decorative cedar screens not to exceed 6 feet in height and landscaping in the street area of SW Menefee Drive adjacent to Lot 11, Block 4, Terwilliger Heights at a fee of \$10.00, and declaring an emergency.

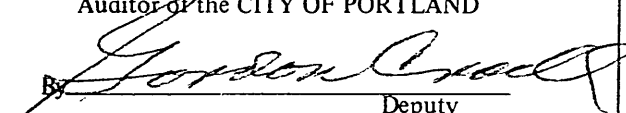
**THURSDAY**

**APR 3 1980**

CONTINUED TO **2 P.M. APR 9 1980**

Filed **MAR 28 1980**

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

By:   
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>MLSA</i>

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: Harry Hendrickson:jmh      Date: 3/18/80
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" 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>JL</i>